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# *R. I. C. H. A.*

*Rhode Island Independence Day*

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*ADDRESSES AND POEMS*

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*Nineteen Hundred and Nine*



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THOMAS W. BICKNELL  
PRESIDENT R. I. C. H. A.



Rhode Island  
INDEPENDENCE DAY  
Addresses and Poem

May 4. 1909

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ADDRESS—By Hon. R. B. BURCHARD  
1908

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ADDRESS—By Hon. CHARLES WARREN LIPPITT  
1906

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UNDER THE AUSPICES OF

The  
Rhode Island Citizens Historical  
Association

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THOMAS W. BICKNELL

President of the Rhode Island Citizens Historical Association

EDITOR

1909

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## FOREWORD

On Saturday, May the fourth, 1776, the General Assembly of Rhode Island, in session at the Old State House in Providence, dissolved its allegiance to George the Third, King of Great Britain, annulled all commissions, writs and processes issued in the name and under the seal of the king, and substituted therefor the following words of authority, *The Governor and Company of the English Colony of Rhode Island and Providence Plantations*.

This solemn act is called "RHODE ISLAND'S DECLARATION OF INDEPENDENCE." It placed Rhode Island at the head of an independent democracy two months in advance of the great *Declaration of Independence* of the thirteen United Colonies, made and promulgated at Philadelphia, July fourth, 1776.

While it was well-known to all students of Rhode Island history that our state was the first to take this decisive step towards civil freedom, the honor of recognizing and honoring the day by a public celebration belongs to THE RHODE ISLAND CITIZENS HISTORICAL ASSOCIATION. On the fourth of May, 1906, the citizens of Rhode Island were invited by this Association to meet at the Mathewson Street M. E. Church, Providence, R. I., to enjoy an elaborate program, prepared for the occasion. Invitations were sent to the General Assembly of the State, to the Supreme Court, to leading officials of state, cities and towns, to historic and patriotic societies and to the churches and civic bodies. A large audience gathered to honor the occasion. Governor George H. Utter, Ex-Governors William Sprague, Charles Dean Kimball and Charles Warren Lippitt and others prominent in all walks of life were present. The opening address was made by President Thomas W.

Bicknell of the Rhode Island Citizens Historical Association. Prayer was offered by Rev. Henry M. King, D. D. The historical address was delivered by Honorable Charles Warren Lippitt. Other addresses were made by Governor Utter, Ex-Governors Sprague and Kimball, and by Professor W. H. Munro, president of the Rhode Island Historical Society.

Full reports of the proceedings appeared in the daily press of the State, and editorial and other reference was made by the leading daily papers of New England and New York, thereby recognizing and emphasizing the importance of the event, and setting apart a real historic day in Rhode Island and American history.

The crowning event of the first celebration was the oration of Honorable Charles Warren Lippitt in which he not only established the primacy of Rhode Island in her Declaration of Independence, but also gave due credit for all acts of sister colonies, looking towards independence. This very important paper appears in this volume in its original form, without notes or exhibits. These will appear at a later date in connection with the address, as revised, enlarged and annotated by the author.

In 1907 the Association secured the Old Representatives Hall in the Old State House for its meeting, the session being held in the same room (somewhat altered) where the Declaration of May 4th, 1776, was first read by its author, Jonathan Arnold. Addresses were made by President Bicknell, Governor James H. Higgins, Honorable Roswell B. Burchard and Theodore F. Green, Esq., and an original poem was read by Mrs. Harriette M. Miller.

In 1908 and 1909 the Association celebrated the day in the same hall in the Old State House, and in the latter year the room was designated "*Independence Hall.*" In 1908 addresses were delivered by President Bicknell and Honorable Roswell B. Burchard and a poem was read by Mrs. Fidelia Reynolds. Speaker Burchard's comprehensive, able, and eloquent address of 1908 appears in this volume.

In May 1908 the General Assembly passed an act in recognition of May the Fourth as *Rhode Island's Independence Day* and established the method of its public celebration in the public schools of the state and elsewhere.

The following program was most successfully carried out on May fourth, 1909.

# EXERCISES

—ON—

## Rhode Island Independence Day

Tuesday, May 4th, 1909, at 3 P. M.

INDEPENDENCE HALL, OLD STATE HOUSE, NORTH MAIN STREET,  
PROVIDENCE, R. I.

### MUSIC

- VIOLIN SOLO—Serenade *Schubert-Remenyi*  
Miss Ella Beatrice Ball.
- SOPRANO SOLO—Roger Williams *Emory P. Russell*  
Miss Olive Emory Russell.
- VIOLIN SOLO—Opus XI. *H. Vieuxtemps*  
Miss Ball.  
William Andros, Pianist.

HONORABLE THOMAS W. BICKNELL,  
President of the Rhode Island Citizens Historical Association  
will preside.

- I. SINGING—The Old Hundredth Psalm, by the Congregation.
- II. PRAYER—Rev. Frank J. Goodwin, Pawtucket, R. I.
- III. ADDRESS by Thomas W. Bicknell,—“The Declaration of Independence Embodied in the Charter.”
- IV. SINGING—“America,” by the Congregation.

- V. READING OF THE ACT DECLARING OUR INDEPENDENCE—  
Mr. Horatio B. Knox, State Normal School.
- VI. HISTORICAL ADDRESS, by Honorable William P. Sheffield,  
United States House of Representatives.
- VII. ORIGINAL POEM—Mrs. Sarah A. Chandler, Providence, R. I.
- VIII. ADDRESS, by Honorable Aram J. Pothier, Governor of  
Rhode Island.
- IX. SINGING—"Battle Hymn of the Republic."
- X. BENEDICTION.

# A Declaration of Independence

BY

The Colony of Rhode Island and  
Providence Plantations

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*Enacted by the General Assembly at The Old State House  
in Providence, May Fourth, 1776.*

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AN ACT,

Repealing an act, entitled "An act, for the more effectually securing to His Majesty the allegiance of his subjects in this, his Colony and dominion of Rhode Island and Providence Plantations." And altering the forms of Commissions, of all writs and processes in the Courts, and of the oaths prescribed by law.

WHEREAS, in all states, existing by compact, protection and allegiance are reciprocal, the latter being only due in consequence of the former; and,

WHEREAS, George the Third, King of Great Britain, forgetting his dignity, regardless of the compact most solemnly entered into, ratified and confirmed to the inhabitants of this Colony by his illustrious ancestors, and, till of late, fully recognized by him, and entirely departing from the duties and character of a good King, instead of protecting, is endeavoring to destroy the good people of this Colony, and of all the United Colonies, by sending fleets and armies to America to confiscate our property and spread fire, sword and desolation throughout our country, in order to compel us to submit to the most debasing and detestible tyranny; whereby we are obliged by necessity, and it becomes our highest duty, to use every



means with which God and nature have furnished us, in support of our inviolable rights and privileges, to oppose that power which is exerted only for our destruction.

BE it therefore enacted by this General Assembly, and by the authority thereof it is enacted, that an act, entitled "An act for the more effectually securing to His Majesty the allegiance of his subjects, in this his Colony and dominion of Rhode Island and Providence Plantations," be, and the same is hereby repealed.

AND be it further enacted by this General Assembly, and by the authority thereof, it is enacted, that in all commissions for offices, Civil and Military, and in all writs and processes in law, whether original, judicial or executory, civil or criminal, whereon the name and authority of the said King is made use of, the same shall be omitted, and in the room thereof, the name and authority of the Governor and Company of this Colony shall be substituted in the following words to wit:

THE GOVERNOR AND COMPANY OF THE ENGLISH COLONY  
OF RHODE ISLAND AND PROVIDENCE PLANTATIONS.

That all such commissions, writs and processes shall be otherwise of the same form and terms as they heretofore were; that the Courts of Law be no longer entitled nor considered as the King's Courts; and that no instrument in writing of any nature or kind whether public or private, shall, in the date thereof, mention the year of the said King's reign.

PROVIDED, nevertheless, that nothing in this act contained shall render void or vitiate any commission, writ, process or instrument heretofore made or executed, on account of the name and authority of the said King, being therein inserted.

## GENERAL ASSEMBLY—MAY 1776.

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THE HON. NICHOLAS COOKE, *Governor.*

THE HON. WILLIAM BRADFORD, *Deputy Governor.*

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## ASSISTANTS.

Mr. John Jepson,	Mr. James Arnold,
Mr. John Collins,	Mr. Jonathan Randall,
Maj.-Gen. Simeon Potter,	Mr. Peter Phillips,
Mr. Ambrose Page,	Mr. William Potter,
Mr. John Sayles, Jr.,	Mr. Thomas Church.

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## DEPUTIES.

*Newport.*

Mr. John Wanton,	Mr. Gideon Wanton,
Mr. Samuel Fowler,	Mr. Thomas Freebody,
Mr. George Sears,	Col. Joseph Belcher.

*Providence.*

Col. Jonathan Arnold,	Mr. John Smith,
Mr. John Brown,	Col. Amos Atwell.

*Portsmouth.*

Mr. Metcalfe Bowler,	Mr. John Thurston.
Mr. John Coddington,	

*Warwick.*

Mr. William Greene,	Mr. Charles Holden, Jr.,
Mr. Jacob Greene,	Col. John Waterman.

*Westerly.*

Maj.-Gen. Joshua Babcock,	Col. Joseph Noyes.
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*North Kingstown.*

Mr. John Northup,	Mr. Sylvester Gardner.
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*South Kingstown.*

Capt. Samuel Seagar,                      Mr. Samuel Babcock.

*East Greenwich.*

Mr. Job Comstock,                      Mr. Thomas Shippee.

*Jamestown.*

Capt. Samuel Carr,                      Mr. Benjamin Underwood.

*Smithfield.*

Mr. Daniel Mowry, Jr.,                      Capt. Andrew Waterman.

*Scituate.*

Mr. Christopher Potter.                      Col. William West,

*Glocester.*

Mr. Richard Steere,                      Col. Chad Brown.

*Charlestown.*

Capt. Joseph Stanton, Jr.,                      Mr. Jonathan Hazard.

*West Greenwich.*

Mr. Thomas Tillinghast,                      Mr. Judiah Aylworth.

*Coventry.*

Mr. Ephraim Westcott,                      Mr. Jeremiah Fenner.

*Exeter.*

Mr. George Pierce.

*Middletown.*

Mr. Joshua Barker,                      Mr. Nicholas Easton.

*Bristol.*

Mr. Shearjashub Bourn,                      Col. Nathaniel Pearce.

*Tiverton.*

Mr. Gideon Almy,                      Col. John Cooke.

*Little Compton.*

Capt. Thomas Brownell,                      Mr. Daniel Wilbur.

*Warren.*

Mr. Cromwell Child,                      Col. Sylvester Child.

*Cumberland.*

Mr. John Dexter,                      Capt. Elisha Waterman.

*Richmond.*

Mr. Samuel Tefft, Major Richard Bailey.

*Cranston.*

Mr. Andrew Harris, Mr. Zuriel Waterman.

*Johnston.*

Mr. John Fenner, Mr. Peleg Williams.

*North Providence.*

Major Thomas Olney, Mr. Jonathan Jenckes, Jr.

*Barrington.*

Mr. Edward Bosworth, Capt. Thomas Allin.

*Hopkinton.*

Mr. John Larkin, Mr. Thomas Wells.

THE HON. METCALFE BOWLER, *Speaker.*

JOSIAH LYNDON, *Clerk.* MR. HENRY WARD, *Secretary.*

MR. HENRY MARCHANT, *Attorney-General.*

MR. JOSEPH CLARKE, *General Treasurer.*

# Rhode Island's Independence Day

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AN ACT PROVIDING FOR THE OBSERVANCE OF THE FOURTH OF MAY  
IN EACH YEAR.

*It is enacted by the General Assembly as follows:*

SECTION 1. The fourth day of May in each and every year hereafter is hereby established, in this state, as "Rhode Island Independence Day;"—being a just tribute to the memory of the members of our General Assembly, who, on the fourth day of May, 1776—in the state house at Providence, passed an act renouncing allegiance of the colony to the British Crown, and by the provisions of that act declaring it sovereign and independent;—the first official act of its kind by any one of the thirteen American colonies.

SEC. 2. On each and every fourth day of May hereafter, except when the said day falls on the first day of the week (commonly called Sunday), then on the day following, the governor shall cause salutes of thirteen guns to be fired, at 12 o'clock, noon, by detachments of the state artillery, at all places in the state where stationed, and shall cause a display of state and national flags on all armories and other state buildings from sunrise to sunset, in honor of "Rhode Island Independence Day."

SEC. 3. The fourth day of May in each and every year hereafter is hereby established in the annual school calendar to be known as "Rhode Island Independence Day," and shall be observed with patriotic exercises in all the public schools of the state, as herein-after named. It is also provided that when such day such fall on Saturday, or on Sunday, such patriotic school exercises shall be on the preceding or following days, respectively, as the case may be.

SEC. 4. The state Commissioner of Public Schools shall annually prepare a program of patriotic exercises for the proper observance of "Rhode Island Independence Day" in the schools, and shall furnish printed copies of the same to the school committees of the several cities and towns of the state, at least four weeks previous to the fourth day of May in each year.

SEC. 5. The fourth day of May as herein named shall in no-wise be construed as a holiday.

SEC. 6. This act shall take effect on its passage.

*Passed May 26 1908.*

The addresses and poems of 1907, and 1908 have been printed in pamphlet form and distributed to the members of the General Assembly, state officials, the libraries of the state, and the members of the Rhode Island Citizens Historical Association. This volume contains the addresses and poem of 1909, the address of Honorable Roswell B. Burchard of 1908, and the address of Honorable Charles Warren Lippitt of 1906.

The Association hereby expresses its thanks to the General Assembly for an appropriation to print the present volume. Its pages contain historic truths and lessons of patriotism and civic virtue of great value for all the people of our commonwealth.

THOMAS W. BICKNELL,

*President R. I. C. H. A.*

June 15, 1909.

# THE ROYAL CHARTER of 1663

## The Basis of Civil and Religious Freedom in America

BY

THOMAS W. BICKNELL

President of the Rhode Island Citizens  
Historical Association

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Great men and their deeds and great facts of history are liable to lie bedded in the soil of forgetfulness until some resurrective force raises men and facts to the light and life of honest and honorable recognition. Such century plants survive ordinary human achievement and in time find their permanent place in the orders of social and civil life.

The fourth of May, 1776, Rhode Island Independence Day, was almost a forgotten fact, until brought into public recognition by our Association in 1906, the importance of which was recognized by the General Assembly, two years later, by an act making the day one of great patriotic significance to the youth in our public schools and to the people of the state. Honor is due to men who appreciate and cheerfully accord the honor due to their ancestors of faith and deeds. To-day, in Independence Hall, we gather to remember the men who made this day famous and to honor by song and story their mighty acts.

I have it in mind to show that the principles of civil and religious liberty as set forth in the democratic constitution of the several states of our republic and in the constitution of the United States, were clearly enunciated, set forth, and solemnly enacted in the Royal Charter, given to the colony of Rhode Island by King Charles, the Second, July 8, 1663. In other words, I propose to show that the rights, privileges and prerogatives of a free commonwealth, under modern constitutional enactments, inhered in and were guaranteed by that charter, and that the Colony of Rhode Island was to all intents and purposes *de jure*, a free and independent republic, under a strict construction of constitutional jurisprudence, from the 8th of July, 1663, until the 4th of May, 1776.

A few important facts of Rhode Island history will preface my argument.

In the year 1636, Roger Williams, banished from Massachusetts Bay Colony, with a few companions, planted a town on the banks of the Moshassuck, calling it Providence, and his territorial purchase of the Narragansetts, Providence Plantations. In 1638, William Coddington and others, likewise banished from Massachusetts Bay Colony, planted at Portsmouth, and, in 1639, Coddington with John Clarke and others planted a town on the south end of Aquidnick, calling it Newport, and the territorial possessions, acquired of the Narragansetts, Rhode Island. Here we have the birth of three towns, Providence, 1636; Portsmouth, 1638; Newport, 1639, and two colonies, Providence Plantations in 1636, and Rhode Island Colony, 1638-9. In 1643, Samuel Gorton and ten others, having enjoyed a double banishment, from Plymouth Colony and Rhode Island Colony, purchased Shawomet, or Warwick of the Narragansetts, and settled the fourth town, outside the two settlements already made. The new town of Gorton's constituted a third colony, each of the three being independent municipalities,



without recognition by any home or foreign power. A common enemy, the Indians, led Aquidneck to move for a charter from the British Parliament, and with the acquiescence of the plantations, Mr. Williams was selected as agent to secure the same. On the 17th of September, 1644, Mr. Williams, returning from England, landed at Boston with the first patent, constituting the three colonies, "The Incorporation of Providence Plantations in Narragansett Bay." This state paper, conferring absolute independence on the United Colonies of the four towns, was not adopted by them until 1647, when in a General Assembly, held at Newport, in May of that year, a colonial government was organized and John Coggeshall of Newport was chosen president of the colony. The charter of 1643, while omitting reference to religious concerns was at the time of its procurement the most liberal state paper in existence and was the forerunner of the more complete and remarkable document of 1663.

In 1648 and 1649 William Coddington of Newport was made president of the four united towns of the colony. On the execution of Charles the First, and the accession of Cromwell and the Puritan Commonwealth, Coddington sailed to England secretly, and in the midst of the confusion of the new regime, obtained a commission as Governor for life of the islands of Aquidneck and Conanicut. This strange act virtually nullified the charter and left Warwick and the plantations with the whole Narragansett country at the mercy of the avaricious colonies of Connecticut and Massachusetts Bay. The whole colony was aroused and John Clarke, representing the Rhode Island towns, and Roger Williams the towns of Warwick and Providence Plantations were sent to England in 1651 to obtain a recall of Coddington's powers, and the restoration of the charter of 1643, and in 1652 the successful mission of Clarke and Williams was welcomed by the people,—a result largely due to the influence of Sir Harry Vane and John Mil-

ton, both ardent friends of the Rhode Island principle, as represented by its three great advocates of civil and religious liberty, Roger Williams, John Clarke and Samuel Gorton. In 1654, Mr. Williams returned to Providence, leaving John Clarke in England to protect the interests of the four towns, again united in one colony.

The death of Cromwell and the accession of Charles the Second in 1660 witnessed a new crisis in our colonial history, when not only our charter rights were destroyed, but even our territorial holdings were put in great jeopardy. The restoration of the Stuarts and the annulment of the acts of the long Parliament made it necessary for Rhode Island to seek a new charter. The hour for a great diplomat had come, and Dr. John Clarke, the greatest American diplomat of his age, was at the post of duty, as well as danger, in the great emergency, and after long and wearisome debate, fierce and determined opposition from the London agents of Connecticut and Massachusetts Bay Colonies, and malignant personal abuse from unexpected quarters, he secured the signature and seal of Charles the Second on the 8th day of July, 1663, creating in perpetuity the English colony of Rhode Island and Providence plantations in the Narragansett Bay, New England in America.

And what was its content of constitutional freedom?

First was the recognition of the absolute right of the Indian tribes to the soil and the guarantee of the Indian titles to estates in fee simple to the original planters of the colony. This was a remarkable concession, in that it annulled all prior claims to Indian lands by right of discovery or conquest as vested in the crown, and established the contracts as made between the settlers and the Narragansetts as valid and binding on all concerned. The words of the charter are, "and are seized and possessed, by purchase and consent of the said natives, to their full content, of such lands, islands, rivers, harbors, and roads, as are very convenient, etc." By these

words all Indian land titles were confirmed and established by royal consent and authority throughout Rhode Island. In other colonies the lands were bestowed by the crown and confirmed by the natives, but here Indian sales were confirmed by the King and as a further grant, the settlers were permitted "to direct, rule, order and dispose of all other matters and things, and particularly that which relates to the making of purchases of the native Indians." These concessions were in answer to the claims of Clarke and Williams, so long maintained, that the Indians were the rightful owners of the soil they occupied.

Next to the perfect guarantee of Indian titles, was the perfect and complete guaranteed political life in a body politic styled "THE GOVERNOR AND COMPANY OF THE ENGLISH COLONY OF RHODE ISLAND AND PROVIDENCE PLANTATIONS, ETC." "that by the same name, they and their successors shall and may have perpetual succession, and shall and may be persons able and capable, in the law to sue and be sued, to plead and be impleaded, to answer and be answered unto, to defend and be defended, etc. \* \* \* as others our liege people of this our realm of England, or any corporation or body politic within the same may lawfully do."

This body so ordained contained within itself all the machinery of government, perfect, absolute, complete in and of itself, responsible for its acts and so constituted as to fulfill all the functions of self-protection and defense.

Still further, to set this complicated machinery of state in order and motion, "we will and ordain, and by these presents, for us, our heirs, and successors, do declare and appoint that for the better ordering and managing of the affairs and business of the said company, and their successors, there shall be one Governor, one deputy-governor and 10 assistants, to be from time to time, constituted, elected and chosen, out of the freemen of the said company, for

the time being, in such manner and form as is hereafter in these presents expressed, which said officers shall apply themselves to take care for the best disposing and ordering of the general business and affairs of and concerning the lands, and hereditaments hereinafter mentioned to be granted, and the plantation thereof, and the government of the people there. And, for the better execution of our royal pleasure herein, we do, for us, our heirs and successors, assign, name, constitute, and appoint the aforesaid Benedict Arnold to be the first and present Governor "of the said company, and the said William Brenton to be deputy governor," with 10 assistants therein named, to continue in office until the first Wednesday in May, next coming. And "forever thereafter" the major part of the freemen shall elect assistants and deputies semi-annually, to a meeting or assembly to be called The General Assembly, "to consult, advise and determine, in and about the affairs and business of the said company and plantations."

### SIMPLE DEMOCRACY.

Here was American democracy pure and simple.

First, the freemen whose qualifications were determinable by the body politic, the corporation of Rhode Island. Suffrage, by this instrument, was limited only, as to-day, by the will of the people. No word as to manhood or womanhood suffrage, no property qualification, no reference to native or foreign born—simply the freemen.

Further, "the major part of the freemen of the respective towns," elected their representatives. Here we have the great law of majority rule in elections, which has held sway in town and state legislative procedure for three centuries. The Rhode Island town is here recognized as the unit of political institutions and the purest illustration of popular government of, for and by the people.

The General Assembly as above constituted and elected by the freemen, in town meeting assembled, was granted full power and authority "from time to time and at all times hereafter to appoint, alter and change such days, times and places of meeting and General Assembly as they shall think fit; and to choose, nominate and appoint such and so many other persons as they shall think fit, and shall be willing to accept the same, to be free of the said company and body politic, and them into the same to admit; and to elect and constitute such offices and officers and to grant such needful commissions, as they shall think fit and requisite, for the ordering, managing and dispatching of the affairs of the said Governor and company, and their successors; and from time to time to make ordain, constitute or repeal such laws, statutes, orders and ordinances, forms and ceremonies of government and magistracy as to them shall seem meet for the good and welfare of the said company, and for the government and ordering of the lands and hereditaments, hereinafter mentioned to be granted, and of the people that do, or at any time hereafter shall inhabit or be within the same; so as such laws, ordinances and constitutions, so made, be not contrary and repugnant unto, but as near as may be, agreeable to the laws of this our realm of England, considering the nature and constitution of the place and people there, and also to regulate and order the way and manner of all elections to offices and places of trust, and to prescribe, limit and distinguish the numbers and bounds of all places, towns or cities within the limits and bounds hereinafter mentioned, and not herein particularly named, who have, or shall have, the power of electing and sending of freemen to the said General Assembly; and also to order, direct and authorize the imposing of lawful and reasonable fines, mulcts, imprisonments and executing other punishments, pecuniary and corporal, upon offenders and delinquents, etc., according to the course of other corporations in the English realm."



The General Assembly was "to appoint, order and direct, erect and settle such places and courts of jurisdiction, for the hearing and determining of all actions, cases, matters and things, happening within the said colony and plantation, and which shall be in dispute, and depending there, as they shall think fit and also to distinguish and set for the several names and titles, duties, powers and limits, of each court, office and officer, superior and inferior; and also to contrive and appoint such forms of oaths and attestations, not repugnant, but as near as may be agreeable, as aforesaid, to the laws and statutes of this our realm, as are convenient and requisite with respect to the due administration of justice, and due execution and discharge of all offices and places of trust by the persons that shall be therein concerned."

Religious liberty was confirmed and forever established in the remarkable utterances, the leading declaration of which appears in a prior letter from Dr. John Clarke to Charles II., under date of 1662. This letter sets at rest forever the authorship of the sentiment cut in marble in the facade of the State House, and so often credited to Roger Williams. It is a monument to the greatness of Dr. John Clarke.

"And whereas, in their humble address, they have freely declared, that it is much on their hearts (if they may be permitted) to hold forth a lively experiment, that a most flourishing civil state may stand and best be maintained, and that among our English subjects, with a full liberty in religious concerns; and that true piety rightly grounded upon gospel principles, will give the best and greatest security to sovereignty, and will lay in the hearts of men the strongest obligations to true loyalty: Now, know ye, that we, being willing to encourage the hopeful undertaking of our said loyal and loving subjects, and to secure them in the free exercise and enjoyment of all their civil and religious rights, appertaining to them, as our loving subjects; and to preserve unto them that liberty, in

the true Christian faith and worship of God, which they have sought with so much travail, and with peaceable minds, and loyal subjection to our royal progenitors and ourselves to enjoy; and because some of the people and inhabitants of the same colony cannot, in their private opinions, conform to the public exercise of religion, according to the liturgy, forms and ceremonies of the Church of England, or take or subscribe the oaths and articles made and established in that behalf; and for that the same, by reason of the remote distances of those places, will (as we hope) be no breach of the unity and uniformity established in this nation: Have therefore thought fit, and do hereby publish, grant, ordain and declare, That our royal will and pleasure is, that no person within the said colony, at any time hereafter shall be anywise molested, punished, disquieted, or called in question, for any differences in opinion in matters of religion, and do not actually disturb the civil peace of our said colony; but that all and every person and persons may, from time to time, and at all times hereafter, freely and fully have and enjoy his and their own judgments and consciences, in matters of religious concernments, throughout the tract of land hereafter mentioned, they behaving themselves peaceably and quietly, and not using this liberty to licentiousness and profaneness, nor to the civil injury or outward disturbance of others, any law, statute, or clause therein contained, or to be contained, usage or custom of this realm, to the contrary hereof, in any wise notwithstanding."

In this declaration as to rights of conscience in religious concerns, Dr. Clarke quotes from the famous letter of Charles the Second to the Commons, known as the Declaration of Breda, April 4-14, 1660, in which he affirms "that no man shall be disquieted or called in question for differences of opinion in matters of religion which do not disturb the peace of the kingdom."

Other valuable privileges and concessions were granted, but enough have been presented to show that the Rhode Island govern-

ment was clothed with all the powers and prerogatives of a free, democratic republic. Territorial rights, citizenship, freemanship, the franchise, administrative assemblies, a representative government, an unrestricted law-making power, an independent judiciary, freedom of speech, of political action, of conscience, of religious faith, were granted to Rhode Island by the sovereign grace of Charles the Second, the founder and friend of a free colony, under the broad imperial aegis of Great Britain.

On so broad a platform of constitutional rights, the colony of Rhode Island stood, the freest commonwealth in principle and theory on the face of the earth. So broad, so practical, so efficient were the provisions of this great charter of human rights and of constitutional government that it stood all the needs of colonial life, a period of 113 years, and then served the needs of a state constitution within the Federal Republic for 67 years—a total of 180 years.

Our state historian Arnold says of it: "Under it the state was an absolute sovereignty with powers to make its own laws, religious freedom was guaranteed, and no oath of allegiance was required. Rhode Island became in fact, as well as in name, an independent state from that day."

"The extent of the power conferred by this charter is indeed surprising. The military arm, always relied upon as the distinctive barrier of the throne, is formally and fully surrendered to the people, in this instrument, even to the extreme point of declaring martial law—a grant, which in repeated cases, the government of Rhode Island successfully defended in later years against the threats and the arguments of the royal governors of New England."

"With this charter, serving as the basis of government, rather than prescribing its form, the state led the way in the final struggle for national independence."



Henry Cabot Lodge, in his *History of English Colonies in America*, who wittingly holds the ancient Massachusetts animus as to our colonial government says: "Clarke was an adroit and an able man; \* \* \* Clarke's charter soon after passed the seals and the Governor and Company of Rhode Island were fairly incorporated. This charter was drawn in the most liberal terms possible—establishing a purely popular elective government—while it bore the marks of its author in its provision that no one should be molested for any religious opinion, if the peace was kept."

To Bancroft, our greatest American historian, belongs the honor of bestowing upon the Rhode Island charter of 1663, the first position as a state paper among the records of civilized men, and of according to Dr. John Clarke, the agent of the Colony of Rhode Island and the author of the immortal document, enduring words of praise.

After referring to the remarkably liberal charter of the Colony of Connecticut of 1662, he writes: "Rhode Island was fostered by Charles II with still greater liberality. When Roger Williams had succeeded in obtaining from the Long Parliament the confirmed union of the territories that now constitute the state, he returned to America (1654) leaving John Clarke as the agent of the colony in England. Never did a young commonwealth possess a more faithful friend; and never did a young people cherish a fonder desire for the enfranchisement of mind.

"Plead our case, they had said to him in previous instructions which Gorton and others had drafted, in such sort as we may not be compelled to exercise any civil power over men's conscience; we do judge it no less than a point of absolute cruelty.' \* \* \* The good-natured monarch listened to their petition; Clarendon exerted himself in their behalf; the making trial of religious freedom in a nook of a remote continent could not appear dangerous; it might at once build up another rival to Massachusetts and solve a problem in the history of man." \* \* \*

## THE OLDEST CHARTER.

"This charter of government, establishing a political system which few besides the Rhode Islanders themselves then believed to be practicable, remained in existence till it became the oldest constitutional charter in the world." \* \* \* "Nowhere in the world were life, liberty and property safer than in Rhode Island."

He calls Dr. John Clarke, "the modest and virtuous Clarke, the persevering and disinterested envoy," who "parted with his little means for the public good;" and "left a name on which no one can cast a shade."

And so it came to pass in the 16th year of the reign of Charles II, King of England, to wit, in 1663, through the intercession of Dr. John Clarke, Envoy Extraordinary from the Colony of Rhode Island and Providence Plantations, for 12 years, to wit, from 1651;

That, the boundaries of the colony were clearly defined;

That, the Indian deeds of lands were confirmed;

That, the estate of freemen was created;

That, civil government was vested in this democratic estate;

That, a de facto government was established and set up;

That, the law-making power was vested in an elective body, styled the General Assembly;

That, a judiciary was created for the determination of justice;

That, a military force was ordained for defense;

That martial law was vested in the executive;

That, freedom of worship and of conscience was made the basis of individual rights;

And, all under the laws, ordinances and constitutions, "agreeable to the laws of this our realm of England, considering the nature and constitution of the people there." All these things and more were embodied in that great instrument, the Royal Charter; were the inherent elements of our Declaration of Independence, and have been the foundations of the civil state we love and honor.

# Rhode Island Independence

BY

Hon. ARAM J. POTHIER

GOVERNOR

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We have reason to take pride to-day in the fact that Rhode Island was the pioneer state in declaring independence of monarchial rule. It is a source of just pride, and the celebrations in the schools and elsewhere through the state are a fitting and becoming manifestation of that pride.

That a period of one hundred and thirty-three years should have lapsed before the state gave proper recognition to the significance of this day, is a tribute to our industrialism, rather than a reflection upon our Rhode Islandism. For when, not many months ago, the realization dawned upon the people that our state could claim such rare distinction, the Rhode Island spirit was not slow to respond, and the new statute, less than a year old, permanently establishing Rhode Island Independence Day and providing the manner of observance was promptly enacted.

And to-day the booming of cannon by detachments of our state artillery throughout the length and breadth of Rhode Island proclaims the fact of her supremacy one hundred and thirty-three years ago—her rank as a pioneer in the independent thought of those stirring times that “tried men’s souls.”

And as a pioneer in independent thought Rhode Island has ever distinguished herself. The instance we cite and commemorate to-day by no means stands alone, nor was it without precedent. The

foundation for that act of the General Assembly on May 4, 1776, was laid one hundred and forty years before, when those sturdy minds that scorned to see through others' eyes, freed themselves from the ties that bound them to the tyrant custom, and facing the wilderness, set up on these Rhode Island shores an unheard-of institution. And in that lively experiment then and there held forth, demonstrating to the satisfaction of the world that a most flourishing civil state might stand and best be maintained with full liberty in religious concerns, there was sown the seed of independent thought in Rhode Island.

The fruit of that seed has been rich, ripe and plentiful through the centuries; lighting the pathway and blazing the trail in many lines of human effort, producing here many of the leaders of national calibre in thought and action, in times of war and of peace, in affairs of government, in arts and sciences, in literature and in logic—carrying the fame of Rhode Island and Rhode Islanders to the four quarters of the earth, and establishing a wholesome pride and faith in the citizenship of the state which no attacks from within or without have availed to wound or to shake.

With its record as a successful pioneer in independent thought established, with its galaxy of great men, great deeds, and great accomplishments setting the examples and shaping the courses which others have followed, Rhode Island has every encouragement to take the initiative wherever the pathway of activity and endeavor may open with promise of effectual achievement.

The past history of Rhode Island hardly furnishes precedent for blindly following where some one else has led. Our aims should be not to imitate, but to improve upon the work of others.

Often in our public life to-day we see evidences of a tendency or willingness to adopt, without question, a course suggested by the experience of other states. In the framing of new legislation, we frequently hear the argument advanced that other legislative bodies

have adopted certain plans of action, or specific propositions for the regulation of the problems that the present age is constantly presenting, and that Rhode Island would do well to follow their example.

I am one of those who believe that because Massachusetts, or Connecticut, or some other commonwealth, has adopted a definite policy in its government, is not in itself a sufficient reason why Rhode Island should go and do likewise. We should endeavor to profit by the experience of others, it is true, but we should exercise the greatest care that in profiting by their virtues we also profit by their mistakes.

Our laws in Rhode Island must be framed to meet conditions as they exist in Rhode Island, where our contracted limited area, our broad expanse of navigable waters, our dense population and our compact industrial communities create a situation peculiar to this state and duplicated in no other.

A policy that may be admirable for our neighbors may prove detrimental in the highest degree to ourselves, and an experiment that has resulted in failure elsewhere may have in it the very essentials that Rhode Island requires.

Only by the exercise of that independence of thought in our public acts that is traditional in our state—by establishing every undertaking on the firm foundation of true expediency—can we be at all certain of avoiding the pit-falls that may lurk in the attempted adaptation of the cure for other's ills to our own. In ministering intelligently and independently to the needs of our state, ready to utilize or to discard the ideas of others as our mature judgment may dictate, lies not only our future safety and continued progress, but also our highest value to our sister states and to the nation.

Let Rhode Island continue henceforth, as she has in the past, a pioneer in thought, fostering the spirit of mental self-reliance, to the perpetuation of those traditions which make this ancient structure wherein we stand to-day, a national land-mark, and to a permanently greater, better, patriotic service to the nation.

# Rhode Island's Declaration of Independence and Events Leading Up To It

BY

Hon. WILLIAM P. SHEFFIELD

Member of Congress from Rhode Island

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On this very spot, one hundred and thirty-three years ago to-day, Rhode Island first of the American Colonies, repealed its Act of Allegiance to the British Crown and struck the King's name from its processes and legal proceedings.

This substantial declaration of independence, characteristic of Rhode Island's individuality and courageous independence of thought, must have been a great inspiration to the more cautious and hesitating colonies and an incentive to the Continental Congress in its final declaration for all the colonies on the memorable Fourth of July.

We love to review the glorious page of our history and to recall the individual characteristics of our founders, who never hesitated, when they believed they were right to stand alone in defiance of the public opinion of the world, as indicating that Rhode Island was merely following the traditions of its past, when the smallest colony of all stepped forth first to defy alone the King's wrath as an independent state.

Just as Roger Williams proclaimed soul liberty and held forth the lively experiment of founding a most flourishing state in civil



things alone; just as he proclaimed the necessity of absolute justice to a dependent people, when he annunciated the principle that their lands could only be acquired from the Indians by King James by fair purchase, even at the risk of a charge of treason from his Massachusetts neighbors; just as Rhode Island, throughout its colonial history, maintained its separate existence and the integrity of its territory from the jealous attack of its neighbors; so with the same independent courage, Jonathan Arnold moved and the Colonial General Assembly on the 4th of May, 1776, passed the resolution by which Rhode Island at the head of the procession became the first American state.

Governor Lippitt has with great accuracy set forth the historical claims of this state to her unique position on this occasion. And though on May 20th the President may meet in Mecklenberg, North Carolina, to listen to the claims of an unorganized county in that state, to the honor of the first Declaration of Independence on May 20, 1775, a declaration which contained many of the exact phrases of the great declaration of the Continental Congress of July 4th, 1776, no one can believe that these county resolutions were ever passed or that anything was done in North Carolina, except the passage of votes urging action upon Congress on the succeeding May 31st. The glory of North Carolina in these resolutions of May 31st can only be dimmed by the false claim of May 20th.

So much has been gathered by the diligence of this Society in the instructive addresses delivered at its successive celebrations of this event, that little can be added in exposition of the action of May 4th, except to rehearse Rhode Island's part in the beginnings of the Revolution and to recite the natural sequence to the Declaration of May 4th.

It was no accident, that we were ready to take our stand for independence, when others hesitated. From the commencement of the contest, even at the beginning of the causes that led to the Revolutionary War, Rhode Island led the way.

At the close of the long war with France, Quebec had fallen and the British Colonies had no foe on the continent except the warring Indian tribes, who were gradually being forced back from the frontier by advancing civilization. Of this period a British historian has said: "If ever any country might have been styled the seat of human felicity, British America must unquestionably deserve the appellation."

Fundamentally the principal occupation of the colonies was agriculture. England had systematically discouraged manufactures by confining to each locality the use of its own products and preventing the reciprocal exchange of their domestic manufactures. With their enterprise repressed in this direction, some of the colonies had turned to commerce, and the extent of this development and the wealth realized from it, rivalled that of England herself. No where had commerce then developed more than in the many harbors around Narragansett Bay. Some of this traffic was carried on in violation of the laws of England and of foreign countries. Such was the famous triangular voyage; rum to Africa, negroes to the French West Indies and sugar to Rhode Island, which brought a large profit on each run. Another was the carrying of fish and farm produce to the Spanish Main where they were sold for specie, which furnished the hard money of the colonies. These later voyages were forbidden by Spain and not by England. If there were laws in the statute book against trading with the French colonies they had not been effectively enforced before 1763.

At the close of the French War, with a debt of 148 million pounds, taxes of every denomination were levied in England, and no channel of trade escaped its proportion. The nation staggered under its burden. They recalled that the war had been waged largely for the colonies and the benefit of the war fell largely to America in its freedom from any near foe. It seemed natural that America should bear its fair share of the tax burden.



But the law already prevented the development of manufactures in the colonies and when England increased the customs duties and enforced rigorously the acts in restraint of colonial commerce, it destroyed the prosperity of this country. British sloops of war seized American vessels and prevented them from engaging in trade to the Spanish Main; a trade which Spain had been unable to prevent. With the inflow of specie thus stopped, it made it still more difficult to pay in silver the increased duties which England exacted from the surviving trade of the colonies.

At this time, the Stamp Act was passed and while it was a tax exacted in England, and with manufactures and commerce encouraged it was a comparatively light tax for the colonists to pay. Yet with these destroyed it excited the bitterest opposition.

The passage of the Stamp Act aroused a most interesting discussion of the true principles of constitutional liberty and the rights of Englishmen under the British Constitution, which continued up to the opening of the Revolutionary War.

Perhaps nowhere and at no time, have the true principles of liberty and freedom under a constitutional government been abler and more fundamentally set forth than in the various addresses, pamphlets and newspaper articles of this colonial period.

The claim advanced by Stephen Hopkins and others, was that the colonies in America held directly from the King and in their domestic affairs were subject only to the laws made by their own legislatures and were entirely independent of the Acts of Parliament, except so far as those acts regulated the external affairs of the British Empire and that the colonies were "entitled to all the freedom and liberty that British subjects enjoy." How far this contention was supported by the authorities interpreting the British Constitution, may be a question. It found some encouragement in the doctrines of some of the liberal and enlightened statesmen of England, and put the approaching struggle upon the high

plane of human liberty; while the effective causes urging to the struggle were really economic, founded on statutes, which the colonists admitted the legal right of Parliament to pass as effecting the commerce of the empire.

The most effective causes of the Revolution which made Rhode Island so ready to take the lead of the other colonies in making its Declaration of Independence, which we celebrate to-day, lay in those acts on the part of the Crown from 1763 to 1776 which sought to crush its widely developed commerce. The constant friction arising from the arbitrary enforcement of repressive and unjust acts of Parliament; acts, which all nations having colonies were then accustomed to pass and enforce, made a wide breach between England and America.

The daring enterprise of the merchants and privateersmen of Narragansett Bay, which had carried the flag of England on every sea and which in the Colonial Wars had done so much to sustain the supremacy of Great Britain, could not be thus suppressed. A maritime and warlike people met force by force.

Non-importation agreements had been tried upon the British manufacturer with some effect, but when the British naval officers enforced the navigation laws with unnecessary harshness, the people broke forth in frequent violence, which constituted the first armed resistance to the Crown in America.

An instance of this character, which was brought before the King in Council, was the firing on the Squirrel in Newport Harbor, on Monday, July 9th, 1764.

Perhaps as one of the first overt acts of the colonists against the armed forces of Great Britain, we may be pardoned for quoting in full the report of Lieutenant Thomas Hill of His Majesty's schooner *St John*:—

"On the 30th of June, being at Newport, in Rhode Island, I received information that a brig was unloading in a creek, near

Howland's Ferry. I immediately weighed anchor, and went in quest of her. Upon my arrival there, I found the vessel had unloaded her cargo and sailed.

"I forthwith made seizure of the cargo, which consisted of ninety-three hogsheads of sugar; and at night sent the boat manned and armed, in pursuit of the brig, which was taken the next morning, at day break, and proved to be the *Basto*, of New York, Wingate, master, from Monto Cristo.

"I re-loaded the sugars on board her; and the owner being apprehensive that I intended to carry her to Halifax, had me arrested, and obliged me to find bail that she should be brought to Newport and tried there; on the 4th of July, the collector of the customs re-seized the brig and cargo, under a pretence that I was not properly qualified; although I imagined that I had taken all the necessary oaths at Halifax; yet it seems the oath of office had been omitted; I immediately set out by land, for Boston, to consult the surveyor general, on this matter; and in my absence, the mob at Newport endeavored to destroy the King's vessel. The following is the account which I received of this affair, from my officers, upon my return.

"On Monday, the 9th of July, 1764, at two o'clock in the afternoon, sent the boat, manned and armed, on shore, to bring off Thos. Moss, a deserter, who had left the vessel some days before, and was then on the wharf; a large mob assembled and rescued him; and seeing our people in great danger, we fired a swivel, unshotted, as signal for the boat to come on board. The mob took Mr. Doyle, the officer of the boat, prisoner, and wounded most of the boat's crew, with stones, which fell as thick as hail round and in the boat; and they threatened to sacrifice Mr. Doyle, if the pilot was not immediately sent on shore, and delivered up to their mercy; they even threatened to haul the schooner on shore, and burn her.

"At five, we sent the boat on board the *Squirrel*, to acquaint the commanding officer of our situation. In the meantime, the

mob filled a sloop full of men, and bore right down to board us; but seeing us determined to defend the vessel, they thought proper to sheer off and go on shore again.

“ ‘At six, the boat returned from the Squirrel, with orders to get under way, and anchor close under her stern. The mob growing more and more tumultuous, we fired a swivel, and made a signal to the Squirrel, for assistance, and got under sail. As soon as the mob saw our design, they sent a sloop and two or three boats full of men to the battery on Goat Island, and began to fire on us, notwithstanding the lieutenant of the Squirrel went on shore and forbade the gunner to do any such thing. They even knocked him down; and it was with difficulty that he got from them; they fired eight shot at us, one of which, went through our mainsail, whilst we were turning out.

“ ‘At eight, we anchored in ten fathom water, within half a cable’s length of the Squirrel and received one shot more from the battery, which went close under the Squirrel’s stern. They threatened to sink us, if we did not immediately weigh and run into the harbor again; but upon the Squirrel’s getting a spring upon the cable and bringing her broad side to bear upon the battery, they left off.

“ ‘At eleven, next morning they set Mr. Doyle at liberty.”

When Captain Smith of the Squirrel waited on the Governor and Council with reference to the affair, “They agreed that the gunner had acted by authority and they would answer for it when they thought it necessary.”

In the same year, one of the boats of the Maidstone was seized by 500 men and burned in front of the court house, at Newport.

A similar outbreak (without the Governor and Council however, assuming responsibilities for it) was the destruction on July 17th, 1769 of the sloop of war Liberty after it had seized the sloop Sally, Edward Finker, master, belonging to New London,

Conn., for violating the custom regulations and the Brig, Capt. Packwood, master, which had duly reported its cargo. A contemporary account, apparently by an eye-witness, published in the "Newport Mercury" at the time, for the purpose of making light of the affair to the Home Government, is as follows:—

"Last Monday morning, the 17th inst., the armed sloop Liberty commanded by Capt. William Reid, arrived here, and brought in a brig and sloop, belonging to Connecticut, taken in the sound, without this colony, on suspicion of the brig's having done some illicit act, and that the sloop had contraband goods on board; but as no proof appeared against the brig, she reported her cargo at the custom house here; and on Wednesday, no prosecution having been entered against either of them, Capt. Packwood went on board the brig, in order to get his sword, and some necessary apparel, which the commanding officer on board, (one of the Liberty's men) refused to let him bring away; and, 'tis said, offered him violence; which reduced Capt. Packwood to the necessity of drawing his sword, to force his way into the boat. Whereupon, the officer called upon the Liberty's people to fire on Capt. Packwood, as he was going ashore, which they did; and a brace of balls, 'tis supposed, went very near, but did not hurt him; they then attempted to fire several more guns upon him, which, happily all snapped or flashed, and could not be discharged.

"This attempt of violence, by the Liberty's people, whose commander has never condescended to exhibit his commission to the Governor of this colony, so enraged a number of persons, that, the ensuing evening, having met Capt. Reid on the Long Wharf, they obliged him to send for his men on shore, in order to discover the man who first fired on Capt. Packwood; upon which, Capt. Reid sent for all hands, except his mate. Afterwards, a number of persons unknown, went on board the Liberty, sent the mate away, cut her cables, and let her drift ashore at the Point; when they cut away

her mast, scuttled her, and carried both her boats to the upper part of this town, and burnt them.

"While this affair was transacting, the sloop suspected of having contraband goods on board, made her escape, and the brig has since received her papers, and sailed last Friday."

As we approach closer to the final break with the Mother Country, we come to the destruction of the British schooner, *Gaspee*, on the night of June 9th, 1772. Some of the leading citizens of Providence (gathered by drum, through the principal streets of the town) by force seized and burnt the vessel, wounding the commanding officer, Lieut. Dudingston and removed its crew.

In the investigation that followed the destruction of the *Gaspee*, the Royal Instructions provided for the arrest of the persons concerning it, "in order to the said offenders being sent to England to be tried for that offence."

This provision raised in the colonies much apprehension, as to the future of their rights and liberties, passing beyond the realm of the enforcement of revenue laws, and custom regulations to the freedom of the British subject. The colonies had long been disturbed at the exercise of arbitrary jurisdiction in custom cases by the Admiralty Courts, through a judge without the intervention of the jury. But one of the most sacred rights of Englishmen which had come down from *Magna Charta*, was in criminal cases to be tried by a jury of one's peers from the vicinage. If this right was to be set aside and leading citizens resisting the arbitrary acts of royal officers were to be transported across the sea and tried in the courts of England, then was freedom at an end; then was it time to unite and fight for liberty.

On March 12th, 1773, the House of Burgesses of Virginia passed its resolutions appointing a "Standing Committee of Correspondence and Inquiry" and inviting the other colonies to join with them, containing the following specific instruction:



*"Resolved*, That it be an instruction to said committee that they do without delay, inform themselves particularly of the principles and authority on which was constituted a Court of Inquiry, said to have been lately held in Rhode Island, with powers to transport persons accused of offences committed in America, to places beyond the seas to be tried."

Rhode Island and the other colonies followed soon with the appointment of a similar committee. From that time until the assembling of the Continental Congress, the course of resistance to Great Britain, was largely guided by this effective organization of committees.

Inspired by the repeated independent and courageous acts of Rhode Island in defiance of the authority of the King, other colonies joined in resistance to Great Britain. Lexington and Concord in April was followed by the Battle of Bunker Hill in June 1775, and then came the siege of Boston.

Let us view for a moment the situation in Rhode Island when the act of May 4, 1776 was passed.

As early as December 1774, the Assembly had ordered the cannon, powder and stores to be removed from Fort George to Providence and the Governor did not hesitate to inform the King's officers that the guns would be used to defend the liberties of the colony. On April 22, 1775, this colony raised its "Army of Observation" of 1,500 men and actively engaged in waging war against the King's troops. It removed its duly elected Governor for loyalty to his King; and Wallace with his vessels had made his headquarters in Narragansett Bay during much of the year 1775, brutally oppressing its inhabitants. Armies had been raised and commissioned in the King's name "in defence of the liberties of America," test oaths presented and enforced; the property of the King's subjects had been confiscated for loyalty to His Majesty and yet the General Assembly adjourned at its March session A. D. 1776 with the customary formal "God save the King."

The Continental Congress was fast approaching the question of a Declaration of Independence; New England had long been ready for independence. North Carolina on April 12th, 1776 had passed its vote of instruction to its delegates "to concur with the delegates in the other colonies in declaring independency and forming foreign alliances." It must have been apparent to every thinking legislator, that it was unwise, if not ridiculous, to keep on the statute book, the laws against treason to the King, which made every legislator and most of the people of the colony, criminals and still more unreasonable after over a year of active warfare, to administer (to the officers of the colony) oaths of loyalty to the King.

The Act, passed by the General Assembly, whose anniversary we celebrate, in its title, and in the substance of its enactments did little more than to recognize the course of events.

But Rhode Island had a great charter of her liberties, which was well adapted to her existence as a free American state (for more than a century) and with the changes made by the Act of May 4th, she stood forth then, as an independent commonwealth.

When the Continental Congress on May 15th, 1776 passed the following vote:

*"Resolved,* That it be recommended to the respective Assemblies and conventions of the United Colonies, where no government sufficient to the exigences of the affairs has hitherto been established to adopt such government as shall in the opinion of the representatives of the people best conduce to the happiness and safety of their constituents in particular and America in general," there remained nothing for Rhode Island to do but to comply with this resolution.

On May 1, 1775, Massachusetts had already passed an Act similar to the Rhode Island Act, reciting the wrongs of the colonies and "that the absurdity of issuing commissions, writs &c in the name and stile of the King of Great Britain is very apparent,"



and providing that commissions, writs &c "shall be in the stile and name of the Government and People of Massachusetts Bay in New England," subject to certain contingencies contained in the act.

On May 15th, Virginia framed its constitution and instructed its delegates to vote for independence.

On June 15th, Delaware passed resolutions striking out the King's name in the government and substituting therefor, "the Government of the Counties of Newcastle, Kent and Sussex upon Delaware" to be used "until a new government shall be formed."

And the other colonies, as they organized from time to time under new constitutions pursuant to the suggestions of the Continental Congress, struck the King's names from their commissions and writs.

When the Declaration of Independence which was adopted by the Continental Congress, July 4th, was communicated to the Rhode Island Assembly, the declaration was approved and published, but it required no further action on their part except to change from the Title of the Government under the Act of May 4th "the Governor and Company of the English Colony of Rhode Island and Providence Plantations" to the title "the State of Rhode Island and Providence Plantations," as it has remained ever since.

It may be doubted if the full significance of the Act of May 4th as marking the final separation from the Mother Country was appreciated by the General Assembly at the time; for while, thereafter the General Assembly ceased to close its sessions with the pious and loyal invocation "God save the King," it did not close the records with "God save the Colony," but omitted all reference thereto until the Declaration of July 4th, when thereafter the sessions were closed with "God save the United States."

In thus hastily reviewing the Acts of Rhode Island in the stirring events which led to the Revolutionary War and the courageous stand which this colony took for its independence in the Act

of May 4th, 1776, we feel that the story of our state can not be too often recited and held up to the pride and emulation of the youth and citizens within our borders.

That the light of religious liberty dawned in Rhode Island; that the principles of a free democracy here reached their highest development and that the earliest and most devoted patriotism, which led to the freedom and independence of the nation were here displayed, must ever be a proud heritage to every citizen of Rhode Island, whether his ancestors contributed to that result or whether he has sought here a home for his descendants in the land and under the institutions hallowed by the memory of Roger Williams, John Clarke, Stephen Hopkins, Oliver Hazard Perry and many others.

# Rhode Island's Independence Hall

BY MRS. SARAH A. CHANDLER.

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Do you know that beautiful legend  
Of the King and the Princess fair?  
She dwelt in the sunny southland,  
His home was the wild beast's lair.  
All nature trembled before him,  
And shrank from the grasp of his hand,  
And chafed at the wide desolation  
His presence spread over the land.

But there came a day when the Princess  
In her garments of silvery sheen,  
Flung wide o'er the desolate landscape  
Her mantle of emerald green.  
With her magical wand she loosened  
The grasp of the pitiless King.  
All nature burst forth into singing,  
For winter had yielded to spring.

A hundred and thirty-three years ago  
We were held in the grasp of a hand  
That destroyed instead of protected  
The God-given rights of our land.  
Whose acts of despotic oppression  
In patriot hearts left a sting  
That rankled, because of injustice  
Meted out by a pitiless king.

Not for long could the crown of Great Britain  
 Regardless of compact and right  
 Compel this patriot people  
 To submit to its power and might.  
 There came a day, when its bondage  
 Should oppress them, never again,  
 Not through the wand of a Princess,  
 But by the stroke of a pen.

When the sun shone out o'er the city  
 That eventful morning in May,  
 There seemed nothing to mark it so different  
 From many another May-day.  
 Birds caroling their songs from the tree tops,  
 The sweet scented breath of the morn,  
 Gave not a hint that Rhode Island's  
 Most illustrious day had been born.

Yet this day of all others was destined  
 To make for this brave state a name.  
 To give her an honor peculiar,  
 A glory that never should wane,  
 To strike from her shoulders oppression  
 And all that its bondage had wrought,  
 And substitute freedom of action,  
 Which long her brave townsmen had sought.

In this old State Capitol building,  
 In this hall where we've gathered to-day,  
 Our own Declaration of Freedom  
 Was launched on its peace giving way.  
 T'was our own little state that declared it,  
 The first in all this broad land,  
 To openly bid bold defiance  
 To a king's despotic command.

We know that we have the distinction  
     Of being the smallest state;  
 And we may be a trifle old fashioned;  
     In all things not quite up to date.  
 Is it true that the wealth of a jewel  
     Is valued because of its size?  
 Do the largest flowers in our garden beds  
     Most appeal to admiring eyes?

Do you think that the little violet  
     In its modest garb of blue  
 Would exchange it's native sweetness  
     For the sunflower's gaudy hue?  
 Do you fancy that little Rhode Island  
     Would exchange her memories sweet  
 For an empire's boasted glory,  
     Though willingly laid at her feet?

Go ask of the murmuring waters  
     Where the Gaspee met her fate,  
 Or the whispering pines in the church yard  
     Where lie our heroes of State.  
 Or list for your echoing answer  
     From the walls of this Temple of Fame,  
 Emblazoned with burning and eloquent words  
     That immortalized many a name.

No need for us to distinguish  
     Ourselves by such deeds as did they,  
 When they met in this old "Independence Hall"  
     That eventful Fourth day of May.  
 The hated yoke of oppression  
     Long since has crumbled to dust,  
 And bitterness born of tyranical rule  
     Given place to freedom and trust.

They played well their part in life's drama;  
 Their stage of action was bright  
 With deeds of true loving devotion,  
 That made for justice and right,  
 Soon for them life's stage work was ended,  
 It's shifting scenes knew them no more,  
 And the final drop of the curtain  
 Closed to them life's mystical door.

All honor to the name of Jefferson,  
 Of Hancock and Adams and Lee,  
 And all of the great compatriots  
 Whose act made a great nation free;  
 But reverently this day do we gather  
 To honor the names of our own,  
 And with music, with rhyme, and with story,  
 Perpetuate deeds they have done.

And somehow I cannot help thinking  
 If unrolled was the scroll of fame,  
 And our eager eyes were permitted to scan  
 Each honored, illustrious name,  
 "Little Rhody's" would not be missing,  
 But would stand out clear and bright  
 With that of Jonathan Arnold,  
 Whose pen declared for the right.

The names of our heroes are many,  
 Too many to give in my rhyme,  
 But their deeds, their words and their virtues  
 Are enshrined in our hearts for all time.  
 We'll bring each an offering of Rose-mary sweet,  
 And our garlands of pure Immortelle,  
 And we'll scatter them here "for remembrance"  
 As our story of freedom we tell.

And long may this quaint old State House  
Each recurring Fourth day of May,  
Tell to resident, pilgrim and stranger  
Why we honor this place and this day.  
And soon speed the time when in letters of gold  
That no power shall ever recall,  
We may read high up o'er it's doorway,  
"Rhode Island's Independence Hall."

# Rhode Island's Initiative in the Cause of Freedom

BY

Hon. ROSWELL B. BURCHARD

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LADIES AND GENTLEMEN :

Again we meet in this historic chamber to celebrate the birthday of our state as an independent sovereignty among nations, to commemorate her struggle for freedom and to perpetuate her fame. I find in my intercourse with men a growing necessity for popular associations such as this of yours. In days of prosperity and luxury patriotic sentiment is apt to lose its keen edge and the knowledge and appreciation of a picturesque and inspiring past is apt to become the exclusive property of scholars and specialists. While the writing of history is becoming an exact science and historic work increases in value, the results are too apt to reach only those possessed of learning or leisure, the historical libraries to become the cenotaphs of ancient greatness frequented only by the devoted few.

The history that strengthens and ennobles a race is that which passes by song and story from man to man, from generation to generation; the patriotism that inspires is that which is imbibed at the mother's breast; the altar of patriotism, as that of religion, which holds the veneration of men when all other influences fail, is the mother's knee. It was the Sagas as well as the northern tem-





ROSSELL B. BURCHARD  
OF LITTLE COMPTON  
FROM THE PAINTING BY SYDNEY R. BURLEIGH IN THE STATE HOUSE AT PROVIDENCE



pest that put blue blood into the Norseman's veins, the Greek epics created more heroes than they celebrated; and the English ballads strengthened hearts of oak through all the centuries of Great Britain's power.

Recall if you will Macauley's lyric description of the Roman fireside:

"And in the nights of winter  
 When the cold north winds blow,  
 And the long, howling of the wolves  
 Is heard amidst the snow;  
 When 'round the lonely cottage  
 Roars loud the tempest's din  
 And the good logs of Algidus  
 Roar louder yet within;

"When the oldest cask is opened,  
 And the largest lamp is lit;  
 When the chestnuts glow in the embers,  
 And the kid turns in the spit;  
 When young and old in circle  
 Around the firebrands close;  
 When the girls are weaving baskets,  
 And the lads are shaping bows;

"When the goodman mends his armor  
 And trims his helmet's plume;  
 When the goodwife's shuttle merrily  
 Goes flashing through the loom;  
 With weeping and with laughter  
 Still is the story told,  
 How well Horatius kept the bridge  
 In the brave days of old."

That is the sort of history lesson to start heroic blood bounding in youthful breasts.

I am not one to maudle over the "good old days" or to deplore the progress of events, but we are forced to admit that our ancestors enjoyed some influences and delights which few of our offspring know. Happy is that family, and thrice blessed are those children whose hearthstone, in cottage or in mansion, warms its household with the fire-glow and the heart-glow that inspired the good, gray poet of Amesbury to bequeath to us the priceless legacy of that best of American idylls, the poem "Snow Bound."

When I was a boy the great public school which I attended did much for us in that we were allowed a few minutes or a half an hour, each morning, for Bible-reading, prayer, songs and recitations; and how the window-frames rattled with our lusty and perhaps not over-musical peans of "Hail Columbia," "Red, White and Blue," and "Marching Through Georgia!" And how we waxed eloquent to the weeping point over "Barbara Frietchie," "Paul Revere's Ride," and "The Fate of Virginia!" I am told that a practical, over-scientific board of trustees has brushed most of this old-fogyism away, and that Froebel's influence now predominates over that of George Washington.

I remember also how I used to glow all over when my mother told me the story of how her grandfather saved the life of the British Colonel Simcoe, protecting him from the zealous wrath of several of his companions, New Jersey soldiers, and how he received not only the souvenir of a scar from a bayonet-wound in his leg, but also a message of thanks from Washington for securing so valuable a prisoner. And I felt something of proper pride, too, when she told me how, as a little girl, she sat upon Lafayette's knee, though I doubt if her dear lips were any sweeter because the illustrious general had kissed them.

But I beg your pardon for going so far afield.

I started out to express my appreciation of your work and its patriotic and educational value in the verbal transmission of his-

toric lore, both in these public celebrations and in your society meetings, and especially in your pleasant and profitable excursions to historic places.

This is a formidable subject which your honored president has given me, and I must say I feel somewhat like the raw and lanky youth, who going into the study of an ancient instructor in the mysteries of Bowditch's Navigator, said, "Pa and I's goin' to sail tomorrow. Pa's captain and I'm goin' as mate and I came in to learn navigation before I went."

Please keep in mind that though my subject touches that of Rhode Island's war-record for freedom, it does not include it. Hence, I am not to speak of battles on sea and shore in which Rhode Island's officers and men have been conspicuously valiant, or of great deeds performed in times of peace, except those in which Rhode Island took the initiative. I shall say nothing original, nor disclose any newly discovered facts. I have used the standard histories, especially Mr. Arnold's, freely and almost literally.

Think, however, of what a rich vein for poetry or romance, only partially revealed, lies in the annals of Rhode Island. What a story Cooper would have woven out of the adventures of Benjamin Church! What a ringing ballad the author of *Ivry* or of the *Burial March of Dundee* would have made out of the burning of the *Gaspee*! Longfellow had good material for another of the *Tales of the Wayside Inn* in the stirring episode of the scuttling and burning of the sloop *Liberty*. And how entertaining a "Twice Told Tale" Hawthorne might have created out of the incident when the General Assembly at East Greenwich deposed Governor Wanton and stolidly refused to administer to him his oath of office because, though he had been loyal to the colonists, he refused to approve the raising of an army, or to sign the commissions of its officers! The lyrical narration of the rides of Paul Revere and Phil Sheridan will perpetuate the romance of Middlesex and the

Shenandoah forever, but who has crystallized in verse the fame of the midnight ride of Lafayette from Newport to Boston, seventy miles in ten hours, in order to head off the fleet of his countryman, D'Estaing, and send it back to the relief of beleaguered Rhode Island? Although the French Commander refused to return and although the war was prolonged unnecessarily for years, the failure was not that of the gallant marquis. Oh no, he had learned the truth that Aldrich sang a century later,

"They fail, and they alone, who have not striven."

It is unnecessary to rehearse to you the story of the Gaspee. But, "lest we forget" it is well to recall each year that the torch of liberty flamed from her burning deck, three years before "the shot heard round the world" was fired at Concord. I was taught in school that the first bloodshed in the Revolution was the Boston Massacre. You will find a Newport Massacre recorded in Arnold's History, as follows:

"While such excited feelings existed in the two countries it was natural that collisions should occur between the officers of one and the people of the other. A fatal affray between some people at Newport and three midshipmen of the Senegal, man-of-war, lying in the harbor, resulted in the death of Henry Sparker, who was run through the body by an officer named Thomas Careless. The coroner's inquest returned a verdict of wilful murder. Another man was severely wounded."

Careless was afterwards acquitted on the ground of self-defence. Perhaps he himself might have thought it only a careless affair. The event was not so momentous in its effects as the Boston Massacre but it was bloodshed under circumstances precisely similar to those which consecrated the ground in front of the Boston State House on March 5th, 1770,—and it occurred May 3d, 1768.



John Fiske said: "Lord Sherbrooke \* \* \* declared a few years ago \* \* \* that the Battle of Marathon was really of less account than a modern colliery explosion for only 192 of the Greek army lost their lives! From such a point of view one might argue that the Boston Massacre was an event of far less importance than an ordinary free fight among Colorado gamblers. It is needless to say that this is not the historic point of view. Historical events are not to be measured with a foot-rule."—(Am. Rev. 1:83.)

It has been said, in a half-apologetic way, that there was not the keen impetus to urge Rhode Islanders to rebellion that existed in Massachusetts and Virginia, because Rhode Island did not have to change its government to free itself from the mother country. Its charter had already given it a free and independent government; it was, in fact, a democracy in the beginning, the first American democracy. When all the other colonies except Connecticut were governed from the throne, Rhode Island elected its own governor and was represented at the court of St. James by its own colonial agent, who represented the king on one side and the colony on the other.

John Fiske says: "Rhode Island which had never parted with its original charter, did not need to form a new government, but it had already on the 4th of May omitted the King's name from its public documents and sheriffs' writs."

The independence of Rhode Island began, in fact, when Roger Williams set foot on this free soil, and Rhode Island stoutly maintained her independence until the culmination of events on the day we celebrate, when by deliberate act of her General Assembly, she struck the name of King from the charter of her liberties, assumed unto herself her own dominion and sprang like Minerva "full-armed from the brain of Jove," a sovereign state among the nations of the earth. Since then the people have ruled under an en-

lightened and orderly system of government, not as the hordes of Attila ruled, not as the Commune of Paris ruled,—ruled and swayed as the grasses of the Pampas are swayed, by momentary gusts of prejudice and power, but steadied as the procession of the celestial spheres in their course is steadied by the counterbalancing forces of liberty and law.

But Rhode Island, while first to be free, was literally first to speak and act, and though the first clash of arms came not on her soil, the first to be ready to fight for freedom's cause, both in the revolutionary and the civil wars. Though like Switzerland and the free German cities, she has been conspicuous,—conspicuous as the sun-illuminated peak of the Matterhorn among the surrounding Alps, in the clear azure of human freedom,—in her own independent sovereignty, she was also conspicuous in the fight, shoulder to shoulder with Massachusetts and Virginia, wherever the American people, either as colonists or revolutionists or as a nation, strove in glorious exploit for the cause of liberty. She needs no apologist. The chronological record of her official acts inspires the plaudits of her fame.

I do not propose to catalogue these annals. I can but point out a few instances where her people flashed a primal torch or struck an initial blow for freedom in religious, or governmental or race concerns.

Ambassador Bryce in his *American Commonwealth* said of Rhode Island, "This little Commonwealth whose area is 1,085 square miles (less than that of Ayrshire or Antrim) is of all the American states that which has furnished the most abundant analogies to the republics of antiquity and which best deserves to have its annals treated of by a philosophic historian."

#### THE INITIATIVE IN RELIGIOUS LIBERTY.

Rhode Island's first great initiative for freedom was in its founding. In his gift to the world of the doctrine of religious lib-




erty, Roger Williams stands among the few pre-eminent ones in the list of benefactors of mankind. His fame is secure in spite of ancient cabal and modern detraction.

In the very first year of the new colony, however, Williams was confronted with a proposition which compelled his taking another initiative in making a practical stand upon a question which ever since has vexed courts and casuists alike, namely, How far may an individual carry his freedom of conscience against the convictions of the majority?

Mr. Arnold transcribes the incident from an ancient annalist, as follows:

"At Providence also the Devil was not idle. For whereas at their first coming thither Mr. Williams and the rest did make an order that no man should be molested for his conscience, now men's wives, and children, and servants, claiming liberty hereby to go to all religious meetings though never so often, or though private, upon the week days; and because one Verin refused to let his wife go to Mr. Williams' so often as she was called for, they required to have him censured. But there stood up one Arnold, a witty man \* \* \* and withstood it, telling them that when he consented to that order, he never intended it should extend to the breach of any ordinance of God, such as the subjection of wives to their husbands," etc. "Some were of opinion that if Verin would not suffer his wife to have her liberty, the church should dispose her to some other man who would use her better \* \* \* Arnold told them that it was against their own order, for Verin did that he did out of conscience; and their order was that no man should be censured for his conscience." Arnold says, "This, then, is the earliest record that we have of the struggle between liberty and law, the rival elements which Rhode Island was to reconcile in the novel experiment of a self-governed state."



We find nothing more of this incident excepting that Verin for the breach of the covenant for restraining liberty of conscience "was withheld from the liberty of voting till he shall declare the contrary." Years afterwards, however, Williams expounded his definition of the limitations of liberty of conscience in a letter to the town which is masterly in its good sense and in its method of illustration. He compared the state to a ship: "There goes many a ship to sea," he said, "with many hundred souls in one ship, whose weal and woe is common and is a true picture of a commonwealth, or a human combination, \* \* \* I never denied, that notwithstanding this liberty" (the liberty to go or not to go to ship's prayer, etc.) "the commander of the ship ought to command a ship's course, yea, and also command that justice, peace and sobriety be kept and practiced, both among the seamen and all the passengers. \* \* \* If any should preach or write that there ought to be no commander or officers, because all are equal in Christ, therefore no masters or officers, no laws nor orders, \* \* I say I never denied but in such cases, whatever is pretended, the commander or commanders may judge, resist, compel, and punish such transgressors."

#### THE INITIATIVE FOR POLITICAL LIBERTY.

The second great initiative in the cause of freedom was the procuring of the first charter making Rhode Island an independent colony of Great Britain. This was procured through the personal efforts of Roger Williams in 1644. When Williams went to England for this purpose, Charles I. was a fugitive. Says Mr. Clarence S. Brigham in Field's History of Rhode Island: "Most opportune it was for Rhode Island that the party in power favored the very principles of toleration that Williams himself held." And in describing this charter, he continues: "It was not a mere land patent, nor trading charter like that of Massachusetts. It was a real, effective governmental charter, bestowing upon the grantees the power to rule \* \* \* by whatever form of government they saw fit,

and the right to make whatever laws they desired. \* \* \* A distinguishing feature of the charter was the limiting of its operation to civil things only. There was no express provision concerning liberty of conscience, for that, as Williams claimed, was a natural not a grantable right. The mere limitation to political concerns was the first example of the kind in the New World and was then considered the chief principle of the Charter."

The next grand initiative was the procuring of the famous charter of Charles II, which, as you know, was the basis of our government as the Constitution now is, from 1663, not only until the Revolution but long afterwards; that is, Rhode Island, though one of the United States of America, continued to govern itself, in its internal affairs, under the King's charter, until it "got good and ready" to formulate a constitution, and that was not until 1842.

This charter confirmed the doctrine of liberty of conscience in religious matters, and in political affairs it gave the people the right to elect their own governor and legislature. No other colony except Connecticut was granted any such concession. It is hard for us, born and bred in freedom, to appreciate the magnitude of this grant. It affected not only Rhode Island but incidentally all America. You must look back to Magna Charta for another such epoch-making decree. These, with the Declaration of Independence and the Emancipation Proclamation are the four dynamic forces of American freedom; the four great refracting lenses that broadened and at the same time intensified Liberty's feeble beam, until now a mighty sun, it imparts heat and light and life to eighty millions of freemen.

Of this precious document, the original parchment you may see, in excellent preservation at your State House. I make it a point to show it as often as I can and I am surprised to find how many people there are who apparently never heard of it, and especially, how many there are to whom its survival after the Revolution is a new story. The eloquent statement of Rhode Island's cherished doctrine, which is carved upon the front of the State

House, is a quotation from the charter. Its author was Dr. John Clarke, the agent for the colony in London, and it was first written by him in an address, known as the second address from Rhode Island to King Charles II, petitioning for the charter. In its primitive form it reads that the Rhode Island colonists have firmly adhered in their loyalty, although again and again allured therefrom by many fair proffers by strangers and they "have it much on their hearts (if they may be permitted) to hold forth a lively experiment, that a flourishing civil State may stand, yea, and best be maintained, and that among English spirits with a full liberty in religious concernsments."\*

Through the courtesy of the Secretary of State, I may show to you the fragments of the wax seal, the great seal of Charles II., which was suspended by a number of silken cords from the parchment document. The King's seal was quite as important a part of the royal insignia as the crown or the scepter. Charles II. had one engraved while an exile in France, immediately after the execution of his royal father. This is an impression from another seal made subsequently, but before the restoration. It was about four inches in diameter and weighed probably half a pound. The affixing of the great seal was an affair of some solemnity and ceremony, generally performed by the Lord Keeper of the Great Seal or the Lord Chancellor himself.

To hold this relic in the hand brings one in imagination very closely in touch with the ancient dignitaries who were participants in the concluding formality which made Rhode Island a self-governing colony and almost an independent state. Although he did not attest the document, it may have been the hand of the great Lord Chancellor, the autocratic Lord Clarendon, who stamped this impression in the yielding wax, and we may imagine him in scarlet and ermine, with ponderous wig, falling like a cape upon his portly shoulders; and the kingly Charles, careless, courtly and debonair, acknowledging the enactment to be his royal pleasure; and good Dr. Clarke, the faithful agent of the people of these "plantations," clothed from powdered head to silver buckles in decorous

\*Mr. Burchard here exhibited the fragments of the great seal of England originally attached to the charter.

and seemly black, his eyes glowing with the fervor of thankfulness that, after twelve years' unceasing efforts with Parliament, Protector and King, Rhode Island's independence of her surrounding enemies had been secured. You should not forget, my friends, that the achievement of this memorable initiative in the cause of freedom was due to the labors of Dr. John Clarke of Newport in face of the opposition of Massachusetts, represented at Whitehall by no less notable agents than Edward Winslow and John Winthrop. Then as we follow the record of Freedom's onward march, the reception of this charter, as recorded in the minutes of the last meeting of the General Court of Commissioners at Newport under the old parliamentary charter, in its primitive and formal narration conjures up a picture upon which the patriotic Rhode Islander, with this relic before him, may dwell with satisfaction.

"At a very great meeting and assembly of the freemen of the Colony of Providence Plantations, at Newport, in Rhode Island, in New England, November the 24, 1663. The abovesaid assembly being legally called and orderly met for the solemn reception of His Majesty's gracious letters patent unto them sent. \* \* \* It was ordered and voted, *nemo contra decente*. 1. That Mr. John Clarke, the colony agent's letter to the President, assistants and freemen of the colony, be opened and read, which accordingly was done with delivery and attention. 2. That the box in which the King's gracious letters were enclosed be opened, and the letters with the broad seal thereto affixed, be taken forth and read by Captain George Baxter in the audience and view of all the people; which was accordingly done, and the said letters with His Majesty's royal stamp, and the broad seal, with much becoming gravity held up on high and presented to the perfect view of the people, and then returned into the box and locked up by the Governor, in order to the safe keeping of it."

#### THE INITIATIVE IN OPPOSING THE TAXATION ACTS.

In the agitation over the sugar and stamp acts which brought on the hostilities that culminated in the Revolution, Rhode Island was conspicuously aggressive.



In 1733, the year of the Sugar Act, Richard Partridge, the colony's agent in London wrote Governor Wanton a letter in which he said, "The levying a subsidy upon a free people without their knowledge, against their consent—a people who have no representatives in the state here . . . is, as I apprehend, a violation of the right of the subject." Partridge presented a petition to Parliament for the colony, for the first time in the world putting forth the doctrine which forbids taxation without representation, a doctrine which became the bugle-call of American independence. Unfortunately a copy of this speech has not been found, although that energetic pursuer of historic facts, Governor Lippitt, has instituted a persistent search for it on both sides of the Atlantic.

Sir John Barnard sustained the petition in England and Governor Lippitt has supplied us with a copy of his great speech in which he first uttered this doctrine in Parliament. I think Governor Lippitt was the first to call public attention to this memorable address reading it before the Society of Colonial Wars upon whose order it has been printed and distributed. In the address Sir John Barnard declares, "the people in every part of Great Britain have a representative in this House who is to take care of their particular interests, as well as of the general interests of the nation; . . . but the people who are the petitioners in the petition I have now in my hand" (namely, the people of Rhode Island) "have no particular representatives in this House, and therefore they have no other way of applying or of offering their reasons to this House, but in the way of being heard at the Bar of the House by their agent here in England, therefore . . . the case now before us ought to be an exception to the general rule."

In 1764, Governor Stephen Hopkins, at the direction of the General Assembly, forwarded a vigorous protest against the renewal of the Sugar Act on similar grounds.

In March, 1764, Lord Grenville's stamp proposition was taken up in Parliament and it was voted, "that Parliament had a right to tax the colonies." The Sugar Tax was re-enacted about the same time. Then the trouble was on and Rhode Island was right in it from the beginning. She awaited the action of no other colony. A special session of the assembly was immediately called; and a committee of correspondence was appointed to confer with the other colonies. Governor Hopkins' protest was received in England too late to be presented before the passing of the Stamp Act. Arnold says, however, "This address and the remonstrance of the Providence Board of Trade were conceived in a higher strain than any that were sent out by the other colonies."

#### THE INITIAL BLOWS.

These protests were followed shortly by a clash between the men on the revenue vessels and the people. Under an order given by two of the magistrates to the Governor of Fort George at Newport, the Schooner *St. John*, a tender to the warship *Squirrel*, was fired upon July 9, 1764. This you remember was four years before the Boston Massacre. Admiral Lord Colvill reported the affair to London, stating "the behavior of the people at Rhode Island . . . was so extremely insolent and unprecedented, that I think it my duty to lay before their lordships an account thereof." But he cautiously added, "at the same time to observe from his conversation" (that of the captain of the vessel) "that I have reason to think there are many aggravating circumstances omitted in this account, which would appear upon strict inquiry into the affair." Nine years afterwards the commission appointed by George III. to investigate the affair of the *Gaspee* took up this episode of the *St. John*, but silently dropped the matter—possibly "referred it to a committee."

The British authorities began the impressment of sailors on vessels arriving at Newport, though they prudently let Newport

men alone. In retaliation, in May 1765 a small boat of the British vessel "Maidstone," which was engaged in this uncomfortable business, was dragged up the Newport common and burned with great hurrah. The people of Newport also burned effigies of the revenue officers and chased these officers aboard the revenue ship "Cygnet." A plan was set on foot to bombard and sink this vessel, but calmer counsels prevailed and the town consoled itself by sending a resolution to the General Assembly, urging action and declaring: "It is for liberty, that liberty which our fathers fought, that liberty which is dearer to a generous mind than life itself, that we now contend." Remember, my friends, while you are considering Rhode Island's initiative that this resolution of the people of Newport was passed September 3d, 1765, and Patrick Henry's famous utterance delivered in the House of Burgesses in Virginia, "Give me liberty or give me death," was spoken in March 1775.

#### INITIAL LEGISLATION FOR FREEDOM.

Meanwhile the General Assembly were not slow in their initiative action. Says Arnold, "One of the most important sessions ever held by the General Assembly was now (September 1765) convened at East Greenwich. Commissioners were appointed to attend the Colonial Congress at New York. Written instructions were given to them which, while they professed the loyalty to the colony, to the king and parliament, declared "they would assert their rights and privileges with becoming freedom and spirit." And they were instructed, "to express their sentiments in the strongest manner." Resolutions were adopted in protest against the Stamp Act, "which," says Arnold, "were more energetic and concise than any that had yet been adopted by the other colonies and printed directly to an absolution of the allegiance to the British crown unless the grievances were removed." Here are two sections from these resolutions of the Rhode Island General Assembly of September, 1765, which I read to give you an idea of the temper of the colony at that early time:



"Section 4. That, therefore, the General Assembly of this colony have, in their representative capacity, the Only exclusive Right to lay taxes and imposts upon the Inhabitants of this Colony; and that every attempt to vest such power in any Person or Persons whatever, other than the General Assembly aforesaid, is unconstitutional, and hath a manifest tendency to destroy the Liberties of the People of this Colony.

"Section 5. That His Majesty's liege people, the inhabitants of this Colony, are not bound to yield obedience to any Law or Ordinance designed to impose any internal taxation whatsoever upon them, other than the laws and ordinances of the General Assembly aforesaid.

Section 6. That all the officers of the Colony,—be, and they are hereby directed, to proceed in the execution of their respective offices, in the same manner as usual; And that this Assembly will indemnify and save harmless all the said officers on account of their conduct agreeable to this Resolution."

So, says Chief Justice Job Durfee, "She was the first to direct her officers to disregard the Stamp Act, and to assure them indemnity for doing so."

In Virginia, Patrick Henry introduced resolutions of like tenor in the House of Burgesses, and under his inspiring initiative they were passed. But they were reconsidered and rescinded the next day, not to be adopted until four years later.

On the day before the Stamp Act of 1765 was to take effect (November 1st) all the royal governors took oath to sustain it. Remember Rhode Island's governor was not royal but was chosen by the people and was subject in most matters to the direction of the General Assembly. The historian Bancroft says, "Samuel Ward, Governor of Rhode Island, stood alone in his patriotic refusal" to take this oath. This was the Governor Ward of the famous Ward-Hopkins rivalry, which kept the political pot boiling

in Rhode Island for years. Both were men of great character and force.

The revenue officer wrote to August Johnson, the distributor of stamps for Rhode Island, requiring him to supply the custom house. He replied that he had already resigned his position and that therefore there was no distributor, remarking suggestively that all the stamps were aboard the revenue ship *Cygnet* for safe-keeping.

In view of the immunity promised in the resolution which I have read, the Rhode Island courts went right on about their affairs, issuing their writs without any stamps, in defiance of Parliament; while the courts of the other states temporarily suspended business.

In February 1768, Massachusetts sent out a circular letter to the other colonies urging concerted action against their enforcement of the taxation act. Parliament was greatly incensed and Lord Hillsborough, the Royal Colonial Secretary, wrote to the Governor of Rhode Island as follows:

"As His Majesty considers this measure (namely the action of Massachusetts) to be of a most dangerous and factious tendency, calculated to enflame the minds of his good subjects in the colonies, etc., etc., it is His Majesty's pleasure that you should immediately upon the receipt hereof, exert your utmost influence to defeat this flagitious attempt to disturb the public peace, by prevailing upon the Assembly of your Province to take no notice of it, which will be treating it with the contempt it deserves."

This was followed by a few civil expressions of His Majesty's fullest confidence in the affections of the people of Rhode Island and the expectation that they would give him the strongest proof of them. The reply of Governor Josias Lyndon, dated Newport 1768, and written under the direction of the General Assembly, as these gubernatorial letters always were, was not all that the Royal

Colonial Secretary might have desired. It ran: "On the contrary that letter (i. e., the letter from the Massachusetts House of Representatives) appears to this Assembly to contain a just representation of our grievances and an invitation to unite in humble, decent and loyal addresses to the throne for redress; . . . therefore this Assembly, instead of treating that letter with any degree of contempt, think themselves obliged with duty to themselves and to their country, to approve the sentiments contained in them."

On July 17, 1769, six years before the battle of Bunker Hill, the British sloop of war *Liberty* brought into Newport two Connecticut vessels charged with smuggling. The people obliged the captain of the sloop and all his men to go ashore, ostensibly to give an account of themselves for firing unnecessarily upon a brig which was one of the prizes and maltreating its captain. They then in the evening boarded the vessel, ran her ashore, cut away the mast and scuttled her. "This," says Arnold, "was the first overt act of violence offered to the British authorities in America."

While Lieut. Duddingston of the *Gaspee* was harassing the people and interfering with the coastwise trade, the people of Providence complained to Deputy Governor Sessions. He consulted Chief Justice Hopkins as to the rights of the people and received the following judicial opinion: "No commander of any vessel has any right to use any authority in the body of the colony without previously applying to the Governor and showing his warrant for so doing."

Governor Sessions communicated the complaint which he had received from the Providence people with the judge's opinion to Governor Wanton, who immediately sent the High Sheriff on board the *Gaspee* with a letter to the commanding officer, requiring him to produce his commission and instructions. Duddingston sent an arrogant reply to the governor and enclosed the correspondence to Admiral Montague at Boston. The Admiral

addressed what 'Arnold calls an "extremely insolent" reply to the Governor "defending the conduct of Duddingston, ridiculing the Governor and threatening in case the rescue of any prize was attempted, to hang as pirates the parties concerned." This was the same Admiral Montague who raised quite a "shindy," as the boys say, because the Newport forts did not salute him on his arrival in America; and who, on the night of the Boston Tea Party, put his head out of the window, exclaiming, "You will have to pay the fiddler for this dance," receiving the merry retort from the crowd, "Come out now and we'll give you a payment on account right here!"

Governor Wanton's reply to the above-mentioned letter was of more formal wording, though embodying the same spirit as that of the roystering Bostonians. It ran: "I do not receive instructions for the administration of my government from the King's admiral stationed in America."

#### THE INITIATIVE IN CALLING A CONGRESS.

In 1774, it was apparent that concerted action on the part of the colonies in some more formal way was necessary and the Continental Congress was arranged. It had been talked of in the papers and in addresses for a long time, but according to Mr. 'Arnold no formal proposition was made by any legally constituted authority until the freemen of Providence in town meeting passed a resolution containing the following: "That the deputies of this town be requested to use their influence at the approaching session of the General Assembly of this colony for promoting a Congress as soon as may be of the representatives of the General Assemblies of the several colonies and provinces of North America, for establishing the firmest Union," etc. "We claim, therefore, for Rhode Island," says 'Arnold, "the distinguished honor of making the first explicit movement for a General Congress, and a few weeks later

her Legislature was also the very first to elect delegates to that Congress."

Judge Durfee said "Rhode Island was among the first to adopt the Articles of Confederation, and it may be added she was the last to abandon them."

#### INITIATIVE BY THE WOMEN.

It is interesting to note in this connection that while organizations under the name of Sons of Liberty were formed in all the colonies, "We believe," says Arnold, "that to Rhode Island is reserved the peculiar honor of initiating a similar order composed of the gentler sex, known as Daughters of Liberty. Its origin is ascribed to Dr. Ephraim Bowen, at whose house, on March 4th, 1776, eighteen young ladies, belonging to prominent families in Providence, assembled by invitation employing the time from sunrise till evening in spinning."

What these sprightly damsels of 1766 were engaged in spinning, you their great-grand-daughters may surmise. Arnold says: "They resolved to purchase no more British manufactures, unless the stamp act should be repealed, and adopted other resolutions, perhaps more patriotic than prudent. . . . They were handsomely entertained by the doctor at dinner, but cheerfully agreed to omit *tea* at the evening meal, to render their conduct yet more consistent."

#### THE INITIATIVE IN THE WAR.

The Battle of Lexington was fought April 19, 1775; next day 1,000 men were on the march from Providence to Boston but they were stopped by despatches from Lexington. The Rhode Island General Assembly met the next day and the colony was aggressive in warlike preparation. The Providence artillery and the fusileer companies were united under one charter, under which the present Providence United Train of Artillery was established.



On May 3d, 1775, the boldest act of legislation recorded in any of the colonies up to this time, so Mr. Arnold says, "was now performed by the Rhode Island Assembly in suspending Governor Wanton from the office of governor to which he had just been elected for the seventh time."

The Rhode Island soldiers in the revolution were not only among the first to respond, but were apparently best prepared. Washington Irving in his *Life of Washington* said:

"In riding through the camp, Washington observed that nine thousand of the troops belonged to Massachusetts; the rest were from other provinces. They were encamped in separate bodies, each with its own regulations, and officers of its own appointment. Some had tents, others were in barracks, and others sheltered themselves as best they might. Many were sadly in want of clothing, and all, said Washington, were strongly imbued with the spirit of insubordination, which they mistook for independence.

One of the encampments, however, was in striking contrast with the rest, and might vie with those of the British for order and exactness. Here were tents and marquees pitched in the English style; soldiers well drilled and well equipped; everything had an air of discipline and subordination. It was a body of Rhode Island troops, which had been raised, drilled and brought to the camp by Brigadier General Greene of that province, whose subsequent renown entitles him to an introduction to the reader."

Henry Cabot Lodge said: "One day Rhode Island demanded a navy and after much struggle vessels were authorized. Then came the cold fit again. Nothing must be done to irritate England or spoil the chances of the petition, so no prize courts were established, no ports were opened and New Hampshire when everything depended upon New England, was kept waiting a month for authority to establish an independent government."

Arnold's history says that "the first gun fired upon the ocean at any part of His Majesty's navy in the American Revolution" was discharged from a sloop under Captain Abraham Whipple, June 15, 1775, two days before the Battle of Bunker Hill, against a tender of the British frigate "Rose." "This," said Mr. Arnold, "was the beginning of a glorious national era in the naval enterprise of Rhode Island." The affair led to the correspondence between Captain Whipple and Captain Wallace of the *Rose*, which contained the following repartee: "You, Abraham Whipple, on the 10th of June, 1772, burned His Majesty's vessel, the *Gaspee*, and I will hang you at the yard-arm. (Signed) James Wallace." Answered as follows: "To Sir James Wallace, Sir: Always catch a man before you hang him. (Signed) Abraham Whipple."

#### THE INITIATIVE IN SLAVERY AND IN ABOLITION.

While Rhode Island was not the first offender against liberty in the importation of slaves, it must be confessed that one portion of the colony was actively engaged in the slave trade. There were both white and colored slaves in colonial times. To the credit of the people as a whole be it said, however, that the General Assembly of Rhode Island was among the first of law-making bodies to pronounce its edict against the cruel traffic. Arnold says the highest honor belongs to Massachusetts for its anti-slavery enactment of November 4th, 1646—the first in all the world; but he claims the second for Rhode Island, for the act passed by the General Assembly convened at Warwick in 1652, which he transcribes as follows:

"Whereas, there is a common course practiced amongst English men to buy negers, to that end they may have them for service or slaves forever; for the preventinge of such practices among us, let it be ordered, that no blacke mankind or white being forced by covenant bond, or otherwise to serve any man or his as-



sighnes longer than ten yeares, or untill they come to bee twentie four yeares of age, if they bee taken in under fourteen, from the time of their cominge within the liberties of this Colonie. And at the end or terme of ten yeares to sett them free, as the manner is with the English servants."

#### THE INITIATIVE IN THE WAR FOR THE UNION.

I have detained you too long to attempt to set forth the details of Rhode Island's initiative in the struggle for the preservation of the Union.

I think you all know that Rhode Island was the first state to offer her services to the Federal Government; and this long before the flag on Sumpter had been lowered. But in order to make this part clear I read from Woodbury's Campaign of the 1st Rhode Island Regiment:

"This offer of troops was made to Mr. Buchanan, who saw fit to reject it. It was afterwards made to Mr. Lincoln. On the 12th of January, 1861, Secretary (of State) Bartlett wrote to the Secretary of War, that Rhode Island would do its utmost to assist the Government. January 15th, Col. William Goddard, of the Governor's staff, reached Washington, with the tender of 1,000 men and a battery of light artillery, and was favorably received by General Scott. January 11th, the legislature of the State of New York voted to tender the whole military power of the State to the president. January 18th, the legislature of Massachusetts passed a similar vote. January 16th, Major General Sandford, of New York city, tendered a division of 7,000 men."

The First Rhode Island Infantry left Providence for Washington, April 20, 1861. It is claimed that this was the first regiment to arrive at Washington fully equipped for service in the field. This was eight days after the attack on Fort Sumpter and five days after the President's call for volunteers. Adjutant General Sackett

was in this regiment. He has told me that on their arrival they found other troops encamped, but Ben Perley Poor, in his *Life of General Burnside*, said:

"The Eighth Massachusetts Volunteers and the Seventh of New York, had reached there previously, and the sturdy mechanics of the Massachusetts Eighth had reconstructed the disabled railway between Annapolis and the Junction; but the First Rhode Island Regiment, which reached Washington on the morning of the 26th of April was the first organization that had arrived completely uniformed, armed, and supplied with provisions and ammunition for a three weeks campaign."

And now, my friends, let us close behind us the portals of the storied past and look forward to the war-stained standards of our people, now garlanded with victory and peace, but still pressing forward in the struggle for freedom's deathless cause.

What lofty initiative shall the patriots of peace put forth for freedom,—freedom to work and to aspire and to compete for honor and for wealth, every man on equal terms according to his merits and abilities? Misfortune and distress, the unsolvable perplexities of misery oppress and dishearten, but a fair consideration of the improving conditions of mankind as time goes on, must give us hope; and an acquaintance with the youthful or parental antecedents of those who have won out in life's struggle cannot but inspire us to a renewed confidence that the Declaration of Independence, after all, rings true.

Fame still has her laurels for him who helps his fellow man and "Peace hath her victories as well as war." Rhode Island boasts of its industries, its wealth and its culture, but the honor of Rhode Island demands that the condition of its working common-people shall advance with its material prosperity; that as prosperity increases learning shall become deeper, human sympathy kindlier, religion broader and charity more munificent.

The modern patriot shall be he who, in self-devotion and self-abnegation, shall reconsecrate the free soil of this most liberal of commonwealths by another potent initiative in freedom's cause.

"In the long vista of the years to roll

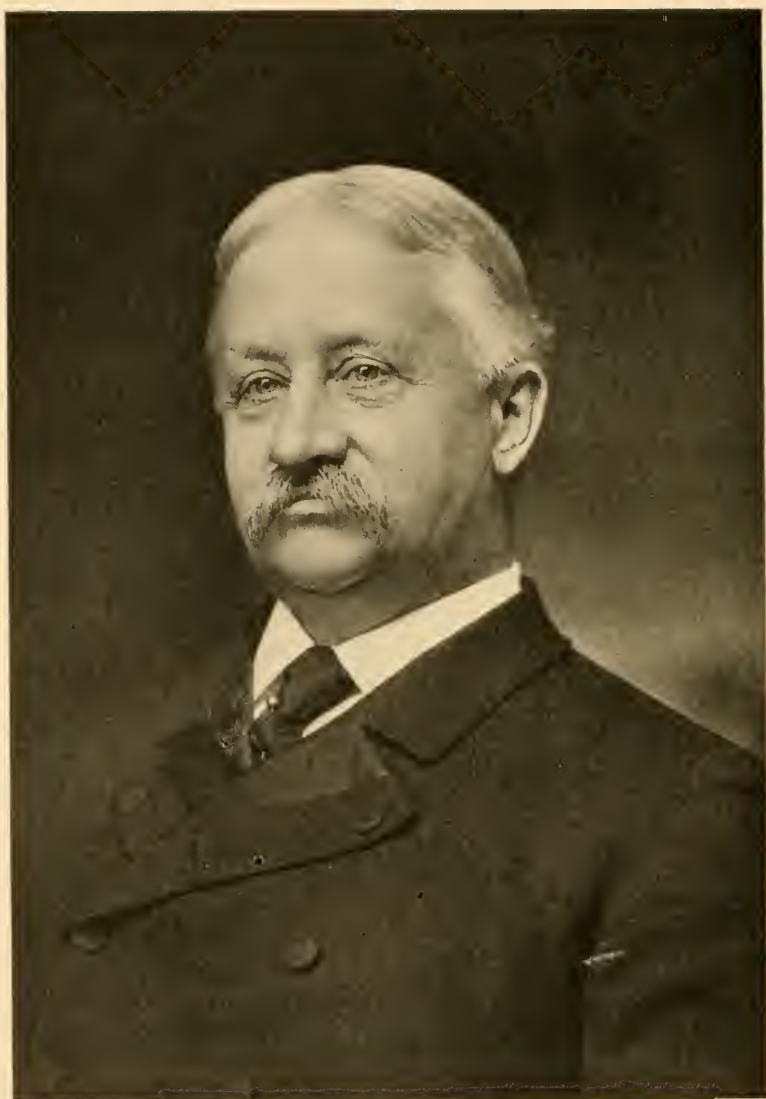
Let me not see my country's honor fade,

Oh! Let me see our land retain its soul,

Her pride in freedom and not Freedom's shade!"

(*Keats.*)





CHARLES WARREN LIPPITT  
GOVERNOR OF RHODE ISLAND 1895-1897

# The Rhode Island Declaration of Independence\*

BY

Hon. CHARLES WARREN LIPPITT

GOVERNOR OF RHODE ISLAND

1895-1897

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This celebration to-day is undoubtedly the first formal public recognition of the anniversary of the Rhode Island Declaration of Independence. In the northern part of the State the efforts of a single citizen, James S. Slater, have annually for several years directed attention to this important occasion. The National Society of Colonial Dames of America in Rhode Island, and the Bristol Chapter of the Rhode Island Society of the Sons of the American Revolution, have also held their annual meetings on May fourth, for a number of years, in honor of this anniversary.

The adjustment of this question is not between ourselves and our enemies. On the contrary, we now engage in friendly examination of official records to ascertain which colony was foremost in such formal action against the encroachments of parliament as to constitute separation from Great Britain. If any other colony substantiates, by unquestionable facts, claims prior to ours, however sad it may be to yield our position, let us remember it is relinquished to our friends and fellow countrymen.

It is our duty to determine if the honor of the first colonial declaration of independence rightfully belongs to the people who occupied these Plantations in Revolutionary times. We would

\*The following extract, taken from a pamphlet entitled, "The Rhode Island Declaration of Independence May 4, 1776," copyright 1907 by Charles Warren Lippitt, is reprinted by permission of the author with all rights reserved.

indeed be recreant descendants if we did not claim, substantiate, and perpetuate, the rightful honor of our ancestors.

May 31, 1775, a committee of the county of Mecklenburg met at Charlottestown and passed a preamble and twenty resolutions. They are entirely concerned with the affairs of that county and do not declare themselves in favor of independence, or renounce allegiance to Great Britain. They represent a commendable effort to maintain order and preserve the peace of their community, during the interval between the failure of the representatives of Great Britain to conduct the government, and satisfactory arrangements for some other acceptable authority to accomplish that object, as the following resolution declares:

“XVIII. That these Resolves be in full force and virtue, until instructions from the Provincial Congress, regulating the jurisprudence of the province, shall provide otherwise, or the legislative body of Great Britain, resign its unjust and arbitrary pretensions with respect to America.”

The resolutions of a county do not control a state, and the provisions arranged for Mecklenburg applied only to that county, and were not binding on any other.

After these resolutions had been adopted, published in several newspapers, and copies forwarded to the authorities in Great Britain, by some unfortunate circumstances they were entirely overlooked and forgotten. It was not until Mr. Peter Force, the compiler of the “American Archives,” announced in the *National Intelligencer* of December 18, 1838, over sixty-three years later, his discovery in the “*New York Journal*,” June 29, 1775, and subsequently in the “*Massachusetts Spy*,” of July 12, of that year, partial copies of these resolutions, that they again came to light. A copy of the entire series was subsequently found in the year 1847 in a copy of the “*South Carolina Gazette*,” June 13, 1775. Later Mr. Bancroft, Minister of the United States at London, found an entire



series of the Mecklenburg Resolutions of May 31st, 1775, in the British State Paper Office, as published in the South Carolina Gazette of June 13, 1775. The copy of this paper was forwarded to the British Secretary of State by the colonial governor of Georgia in 1775, that "His Lordship might see the extraordinary resolves of the people of Charlottestown in Mecklenburg County."

On the 30th of June, 1775, Governor Martin of North Carolina also forwarded a copy to the British Secretary of State.

On Friday, April 30, 1819, a little short of 44 years after these events in Mecklenburg County, the "Raleigh Register and North Carolina Gazette" published an article calling attention to a Declaration of Independence made by the citizens of Mecklenburg County in North Carolina on May 20, 1775, eleven days before the meeting of May 31st referred to above. This document claims that the citizens of Mecklenburg, which then included the present county of Gabarrus, inspired by the occurrences in Massachusetts, organized themselves to protect their inalienable rights and liberties. On May 19, 1775, a meeting was held composed of two delegates from each military company in the county. They were vested with unlimited powers. The news of the battle of Lexington arrived on the day the meeting assembled. After a long discussion of the objects for which they had convened, a series of resolutions was unanimously enacted. The declaration, which has attracted so much attention, is contained in the second and third of these resolutions, as follows:

"2. *Resolved*, That we the citizens of Mecklenburg County, do hereby dissolve the political bonds which have connected us to the Mother Country, and hereby absolve ourselves from our allegiance to the British Crown, and abjure all political connection, contract or association with that Nation, who have wantonly trampled on our rights and liberties—and inhumanely shed the innocent blood of American patriots at Lexington."

3. *Resolved*, That we do hereby declare ourselves a free and independent People, are and of right ought to be, a sovereign and self governing Association, under the control of no power other than that of our God and the General Government of the Congress; to the maintenance of which independence, we solemnly pledge to each other our mutual co-operation, our lives, our fortunes, and our most sacred honor."

These resolutions from time to time have attracted considerable attention. No contemporary evidence of their authenticity has yet been discovered. The action of the supposed meeting of May 19th and 20th, 1775, rests upon the memory of certain citizens of Mecklenburg County who put them in writing, after the long period of time referred to, from their recollection of the proceedings of the meeting.

Both Thomas Jefferson and John Adams were alive in 1819, at the time the Mecklenburg Resolutions of May 20, 1775, were published in the "Raleigh Register and North Carolina Gazette." Their intimate acquaintance with the circumstances attending the formation of the American nation in 1775 developed a keen interest in the subject. A copy of the Mecklenburg Resolutions was forwarded to Mr. Jefferson by Mr. Adams in a letter dated June 22, 1819. Mr. Jefferson replied in a communication to Mr. Adams dated July 9, 1819, in which he refers to many of the actors and the events of the time when these supposed resolutions first appeared, and discredits their authenticity from his general knowledge of all the circumstances. Mr. Adams in two letters to the Rev. William Bentley, one dated the 15th of July and one the 21st of August, 1819, unqualifiedly joined in the position taken by Mr. Jefferson. In the last of the two letters, Mr. Adams states:

"4. Is it possible that such resolutions should have escaped the vigilant attention of the scrutinizing, penetrating minds of Patrick Henry, R. H. Lee, Mr. Jefferson, Mr. Gadsden, Mr. Rut-

ledge, Mr. Jay, Mr. Sherman, Mr. Samuel Adams, *Haud credo*. I can not believe that they were known to one member of Congress on the fourth of July, 1776."

It has also been possible to secure two letters of Mr. John Adams, not heretofore published, expressing in most emphatic terms his condemnation of the Mecklenburg Resolutions of May 20, 1775 (Exhibit A)\*. It is evident that neither Mr. Jefferson nor Mr. Adams had any faith in the correctness of the Mecklenburg Declaration of Independence of May 20, 1775.

Four of the reputed signers of the Mecklenburg Declaration of May 20, 1775, were Thomas Polk, John McKnitt Alexander, John Pfifer, and Waightstill Avery. These gentlemen, with two others, represented the county of Mecklenburg in the Third Provincial Congress of North Carolina, that met on the 21st of August, 1775. On the 23rd of August, a committee of the Congress reported a so-called test, to substantiate the loyalty and patriotism of the members of the Congress, which reads as follows:

"We, the subscribers, PROFESSING OUR ALLEGIANCE TO THE KING, AND ACKNOWLEDGING THE CONSTITUTIONAL EXECUTIVE POWER OF GOVERNMENT, do solemnly profess, testify, and declare that we do absolutely believe that neither the Parliament of Great Britain nor any member or constituent branch thereof have a right to impose taxes upon these Colonies to regulate the internal policy thereof: and that all attempts by fraud or force to establish and exercise such claims and powers are violations of the peace and security of the people, and ought to be resisted to the utmost," etc.

"In testimony whereof we have hereto set our hands, this 23rd of August, 1775."

Gentlemen of courage, honor and integrity, willing to risk their lives and their property in the cause of American liberty, could not on the 20th of May, 1775, have pledged themselves to the so-called Mecklenburg Declaration of Independence, and a little

\*See foot note at end of address.

over three months afterward in the presence of the delegates of North Carolina assembled in the Third Provincial Congress have willingly subscribed to the above test, which was signed by the four delegates from Mecklenburg County, as well as by all of the other members of said Congress.

In addition the delegates from Mecklenburg County joined with the other members of the Congress in unanimously adopting an address to the Inhabitants of Great Britain, pledging themselves in most vehement language as loyal subjects of His Majesty, King George the Third, as the following extract proves (Exhibit D).

“These expressions flow from an affection bordering upon devotion to the succession of the house of Hanover as by law established, from Subjects who view it as a Monument that does honor to human nature; a Monument capable of teaching Kings how glorious it is to reign over a free People. These are the heart felt effusions of Men ever ready to spend their Blood and Treasure when constitutionally called upon, in support of the succession of His Majesty King George the third, his Crown and dignity, and who fervently wish to Transmit his Reign to future ages as the Ord of common happiness to his people. Could these our Sentiments reach the Throne, surely our Sovereign would forbid the horrors of War and desolation to intrude into this once peaceful and happy Land, and would stop that deluge of human Blood which now threatens to overflow this Colony, Blood too precious to be shed but in a common cause against the common enemy of Great Britain and her sons.

“This declaration we hold forth as a Testimony of Loyalty to our Sovereign, and Affection to our parent State, and as a sincere earnest of our present and future intentions.”

It is equally impossible to believe that these gentlemen could have joined in enacting the supposed Mecklenburg Resolutions of May 20, 1775, and on September 8, 1775, have formally bound themselves by the unusually explicit protestations and statements

of the address to the Inhabitants of Great Britain. Such action is entirely irreconcilable with the approval of the supposed Mecklenburg Declaration of Independence of May 20, 1775, but is not incompatible with the authentic Mecklenburg Resolutions of May 31, 1775.

The Mecklenburg Declaration of Independence has been most completely and critically examined and discussed in an article in the *North American Review* for April, 1874, by Mr. James C. Welling, that abundantly proves from the official records of North Carolina, and other equally authoritative sources, that the supposed Mecklenburg meeting of May 20, 1775, and the resolutions claimed to have been adopted thereat, never occurred, but that these circumstances were confused with the authentic resolutions passed at the meeting actually held on May 31, 1775.

James Fiske, in *the American Revolution*, characterizes the Mecklenburg Declaration of Independence as a "legend." Frothingham, after a careful investigation, states that he has not met with any contemporary reference in manuscript or in print to prove the existence of the convention or the public meeting which is said to have passed these resolutions.

Some recent claims in behalf of the Mecklenburg meeting of May 20th, 1775, have been carefully investigated by A. S. Salley, Jr., in a pamphlet published in Columbia, South Carolina, 1905, conclusively proving that the supposed declaration of independence of May 20th, 1775, has been undoubtedly mistaken for the authentic Mecklenburg resolutions on May 31st, 1775, which are not claimed to be a declaration of independence.

Notwithstanding the active warfare existing during the greater part of 1775, the colonists still entertained a strong feeling of dependence upon the mother country. It was apparently expected that after a short conflict Great Britain would recognize their rights and enable them to continue as English colonists, in the enjoyment



of liberties they were not willing to relinquish. Ultimate independence had not been favorably considered by the mass of the colonists. The fear that it might be attempted induced several colonial governments to protest against such action.

Pennsylvania was one of the most conservative of the colonies. Her people were unable to contemplate final separation from Great Britain. To prevent such a possibility, her General Assembly, November 9, 1775, instructed the State delegation in Continental Congress, as follows:

"Though the oppressive Measures of the British Parliament and Administration have compelled us to resist their violence by Force of Arms, yet we strictly enjoin you that you in behalf of this Colony dissent from, and utterly reject, any Propositions, should such be made, that may cause or lead to, a Separation from our Mother Country or a change of the Form of this Government. You are directed to make Report of your Proceedings to this House." . . .

The sentiment of Pennsylvania naturally reflected itself in New Jersey, and the Provincial Congress and Council of Safety of the Colony, on the 28th of November, 1775, took the following action in relation to independence.

"The House took into consideration the inquiry had yesterday, touching the Petitions presented to this House; and it appearing from the Petitioners of the City of Burlington, who were called in and heard, that they signed the same from reports that some men affected independency, and being alarmed at such sentiments, they were induced to present the Petition, hoping that the House would discourage such sentiments by their Resolutions; whereupon, the several Petitions being read the second time,

"1. *Resolved*, That reports of Independency, in the apprehension of this House, are groundless.

"2. *Resolved*, That it be recommended to the Delegates of the Colony to use their utmost endeavors for the obtaining a

redress of American grievances, and for restoring the union between the Colonies and Great Britain, upon constitutional principles.

“3. *Resolved*, That the said Delegates be directed not to give their assent to, but utterly to reject any propositions, if such should be made, that may separate this Colony from the Mother Country, or change the form of Government thereof.”

Maryland entertained similar conservative sentiments. The convention of the state assembled December 7, 1775. Undoubtedly reflecting the opinion of a considerable majority of her people, it placed upon its journal a declaration

“That the people of this province, strongly attached to the English constitution, and truly sensible of the blessings they have derived from it, warmly impressed with sentiments of affection for, and loyalty to, the house of Hanover, connected with the British nation by the ties of blood and interest, and being thoroughly convinced, that to be free subjects of the king of Great Britain, with all its consequences, is to be the freest members of any civil society in the known world, never did, nor do entertain any views or desires of independency.”

“That as they consider their union with the mother country upon terms that may insure to them a permanent freedom, as their highest felicity, so would they view the fatal necessity of separating from her, as a misfortune next to the greatest that can befall them.” (Exhibit B.)

Intimately associated with these commonwealths by proximity and business connections, New York took a similar position. Her provincial congress on the 14th, of December, 1775, “*Resolved*, That it is the opinion of this Congress that none of the people of this colony have withdrawn their allegiance from His Majesty. That the turbulent state of this colony arises not from a desire to become independent of the British Crown, but solely from the oppressive Acts of the British Parliament, devised for enslaving



His Majesty's liege subjects in the American colonies, and the hostile attempts of the ministry to carry these Acts into execution."

Delaware joined her neighbors in the opposition to independence and instructed its delegates in the Continental Congress to promote reconciliation. (Exhibit C.) North Carolina took a stronger position. Her third Provincial Congress 'unanimously adopted, September 8th, 1775, an "Address to the Inhabitants of the British Empire, previously herein noticed." containing the following clauses:

"We have been told that Independence is our object; that we seek to shake off connection with the parent State. Cruel Suggestion! Do not all our professions, all our actions, uniformly contradict this?"

"We again declare, and we invoke that Almighty Being who searches the Recesses of the human heart, and knows our most secret Intentions, that it is our most earnest wish and prayer to be restored with the other United Colonies, to the State in which we and they were placed before the year 1763, disposed to glance over any Regulations which Britain had made previous to this, and which seem to be injurious and oppressive to these Colonies, hoping that at some future day she will benignly interpose and remove from us every cause of complaint." (Exhibit D.)

Even in New England such ideas prevailed. Portsmouth, New Hampshire, December 25, 1775, instructed its delegates in the State Provincial Congress against the formation of a local government. fearing that such action would provide their enemies "with arguments to persuade the good people that we are aiming at independence, which we decidedly disavow."

The necessity of providing for those portions of the country, not in actual control of the English, forms of government to maintain public order forced action of a temporary character in some of the colonies. January 5, 1776, the Provincial Congress of New

Hampshire enacted a form of government to continue during the present unhappy and unnatural contest with Great Britain. The preamble makes the usual recital, and closes as follows:

“Protesting and Declaring that we never sought to throw off our Dependency upon Great Britain, but felt ourselves happy under her Protection, while we could enjoy our Constitutional Rights and Privileges.—And that we shall rejoice if such a reconciliation between us and our Parent State can be effected as shall be approved by the Continental Congress, in whose prudence and Wisdom we confied.”

Seven colonies, Maryland, Delaware, Pennsylvania, New Jersey and New York, compactly situated in the centre of the country, North Carolina in the south and New Hampshire in the north, all protested against independence. A majority of the thirteen colonies, therefore, as late as March, 1776, stood opposed to any separation from the mother country.

The fourth Provincial Congress of North Carolina met at Halifax, April 4th, 1776, and was in session until May 14th, 1776. A committee reported to the congress, on April 12th a suitable preamble reciting the prevailing conditions between the colonies and the mother country, and one resolution, as follows:

“*Resolved*: That the delegates for this Colony in the Continental Congress be empowered to concur with the delegates of the other Colonies in declaring independence, and forming foreign alliances, reserving to this Colony the sole and exclusive right of forming a constitution and laws for this Colony, and of appointing delegates from time to time (under, the direction of a general representation thereof), to meet the delegates of the other Colonies for such purposes as shall be hereafter pointed out.” (Exhibit E.)

After consideration the report was unanimously adopted by the congress. The delegates attending the congress represented about

three-fourths of the colony. The resolution confines itself entirely to instructions to the delegates of North Carolina in the Continental Congress. It does not decree that on and after its passage the colony of North Carolina shall be free and independent of the Kingdom of Great Britain. The legal and actual condition of North Carolina was precisely the same after this resolution was passed as before it was offered. As an indication of the patriotic sentiments and intentions of a portion of the people of North Carolina, it is unquestionably commendable. It can not in any way be regarded as severing the connection between England and the colony of North Carolina.

The North Carolina resolution does not stand in the same degree with the action of the Rhode Island General Assembly in September, 1765, over ten years prior to the passage of said resolution. At that time, the Rhode Island Assembly passed a series of resolutions as follows:

#### RHODE ISLAND RESOLVES ON THE STAMP ACT,

SEPTEMBER 16, 1765.

“This Assembly, taking into the most serious consideration, an act passed by the Parliament of Great Britain, at their last session for levying stamp duties, and other internal duties, in North America, do resolve,—

“1. That the first adventurers, settlers of this, His Majesty’s colony and dominion of Rhode Island and Providence Plantations, brought with them and transmitted to their posterity, and all other His Majesty’s subjects since inhabiting this, His Majesty’s colony, all the privileges and immunities that have at any time been held, enjoyed, and possessed by the people of Great Britain.

“2. That by a charter granted by King Charles the Second, in the fifteenth year of his reign, the colony, aforesaid, is declared

and entitled to all the privileges and immunities of natural born subjects, to all intents and purposes, as if they had been abiding and born within the realm of England.

“3. That His Majesty’s liege people of this colony have enjoyed the right of being governed by their own Assembly, in the article of taxes and internal police; and that the same hath never been forfeited, or any other way yielded up; but hath been constantly recognized by the King and people of Britain.

“4. That, therefore, the General Assembly of this colony have, in their representative capacity, the only exclusive right to levy taxes and imposts upon the inhabitants of this colony; and that every attempt to vest such power in any person or persons, whatever, other than the General Assembly, aforesaid, is unconstitutional, and hath a manifest tendency to destroy the liberties of the people of this colony.

“5. That His Majesty’s liege people, the inhabitants of this colony, are not bound to yield obedience to any law or ordinance designed to impose any internal taxation whatsoever upon them, other than the laws or ordinances of the General Assembly, aforesaid.

“6. That all the officers in this colony, appointed by the authority thereof, be, and they are hereby, directed to proceed in the execution of their respective offices in the same manner as usual; and that this Assembly will indemnify and save harmless all the said officers on account of their conduct, agreeably to this resolution.”—(Rhode Island Colonial Records, 1757-1769, v. 6, pp. 451-452.)

These Rhode Island resolutions were characterized by Judge Staples as “little short of a declaration of entire independence of the British government.”

Prof. Gammell states: “These resolutions taken as a whole, are nearly equivalent to a declaration of independence.”

The action of the Rhode Island legislature, taking effect from and after its passage, placed the colony in a position, in defense of the liberties and rights of its people, entirely different from the action of North Carolina. Rhode Island enacted a law not dependent upon the action of any future body, not postponing the time in which its action should become effective to a distant period, or permitting it to rest upon the contingency of the action of another legislative body; but then and there, in plain, unmistakable language, the colony refused to abide by the act of the English Parliament, denied the right of that body to impose such taxes, and authorized its official representatives to ignore all laws in relation to the vexed question of the Stamp Act except those enacted by the Rhode Island legislature. It also assumed, without equivocation, the antagonistic and, so to speak, rebellious position of protecting its own officers against the power of England in consequence of any action they might take in executing the mandates of the colony of Rhode Island.

May 1st, 1776, the province of Massachusetts Bay, passed  
 "AN ACT FOR ESTABLISHING THE STILE OF COMMISSIONS WHICH SHALL  
 . . HEREFTER BE ISSUED, AND FOR ALTERING THE STILE OF WRITS,  
 PROCESSES, AND ALL LAW PROCEEDINGS, WITHIN THIS COLONY;  
 AND FOR DIRECTING HOW RECOGNIZANC(E)S TO THE USE OF THIS  
 GOVERNMENT, SHALL, FOR THE FUTURE, BE TAKEN AND PROSE-  
 CUTED." (Exhibit F.)

The preamble recites the grievances of the colony against the King of Great Britain.

The bill provides that certain changes shall be made in the legal papers named, as follows:

*First*, That the name and style of the King of Great Britain, France, and Ireland, Defender of the Faith, etc., shall be changed to the name and style of the Government and People of the Massachusetts Bay in New England.

*Second*, That they shall be dated in the year of the Christian era, and shall not bear the date of the year of the reign of any king or queen of Great Britain.

*Third*, That the money recovered and levied upon recognizances or any suits upon recognizances, shall be paid into the treasury of the colony for the use and benefit thereof.

*Fourth*, Three sections of the act, the 2d, 5th, and 6th, particularly specify that they shall not take effect until June first, 1776, thirty days after the bill was passed.

At the close of the second section, which is perhaps the most important of all in the act, the following limitations of the enactments therein contained are incorporated:

*First*, "Until some recommendation of the American congress,"

*Second*, "Or act, order, or resolve, of a general American legislature,"

*Third*, "Or of the legislature of this colony," shall be made and passed, otherwise directing and prescribing.

Certain commissions, civil and military, previously issued, are continued in force by section 3, until September 19, 1776, and section 4 provides that said commissions may be made conformable to the style and date of this act.

The bill does not repeal any of the acts of allegiance then existing in the statutes of Massachusetts, nor in any way abrogate the provisions regarding allegiance in the charter of Massachusetts, the fundamental law of the colony. The limitation clauses clearly anticipate that the act was not to be permanent and that it almost inevitably would be superseded by acts of legislative bodies then in existence or likely to be formed. Nothing it contains justifies the claim that by the passage of this act the colony of Massachusetts had severed her connection with Great Britain to take effect on and after its passage, or on June first, 1776.



This act was under consideration by the Massachusetts general legislature for the greater part of the month of April, and was discussed, amended, and otherwise considered by a conference of the two houses before it was passed on May first, 1776.

Contemporary evidence clearly indicates that this bill was not considered even in spirit to formally renounce all allegiance.

John Winthrop, a prominent member of the Massachusetts Provincial Congress, in a letter, dated Watertown, April 1776, to John Adams, states:

. . . . "Our people are impatiently waiting for the Congress to declare off from Great Britain. If they should not do it pretty soon, I am not sure but this colony will do it for themselves. Pray, how would such a step be relished by the Congress? Would they approve of it? or would they think it too precipitate? Would it endanger the breaking the union of the colonies? These are very important questions, and I shall be extremely glad to know your sentiments upon them." . . .

Mr. Adams replies as follows, on May 6th, 1776:

. . . . "Our people, you say, are impatiently waiting for the Congress to declare off from Great Britain. What my own sentiments are upon the question is not material. But others ask to what purpose should we declare off. Our privateers are at liberty, our trade is open, the colonies are sliding into new governments, a confederation may be formed; but why should we declare we never will be reconciled to Great Britain again upon any terms whatsoever?

"You ask how it could be relished by the Congress, if our colony should declare off. I am happy to hear that our colony is disusing a certain name in all commissions, acts, and law processes, and I should like very well if they would choose a governor, or at least ask leave of Congress to do it; but I can not advise them to make any public declarations separate from our sister colonies." . . .



On June 1st, 1776, when three sections of the act in question became a law, Dr. Winthrop replies to Mr. Adams, after treating of several other matters, as follows:

“The style of commissions, law processes, etc., is altered by an act, and instead of George the Third, it is to be ‘The Government and People of the Massachusetts Bay.’”

The Boston newspapers naturally gave much space to the proceedings of the Massachusetts legislature and printed many acts in full, yet neither the *New England Chronicle* in either of its five editions for May 1776, nor the *Continental Journal* of May 30th, 1776, the first number issued, makes any reference to this act of May first, 1776. Each of these newspapers is on file in the Boston Athenæum. Neither of the four editions of the *Boston Gazette* for May, 1776, which was printed at Watertown, where the Massachusetts assembly was in session, makes any reference to this act.

The colonial newspapers at that time did not deem the act of sufficient importance to print. An examination of the files of some prominent English newspapers of 1776 indicates that it was not noticed in those publications.

Bancroft states, “On the first day of May, 1776, Massachusetts expunged the regal style from all public proceedings, and substituted the name of her government and people.” That was all the act accomplished.

The sentiments of Rhode Island in relation to taxation and independence were much more decided than those of the other colonies. In 1732-33 the colony petitioned the House of Commons against the Sugar Act, then pending before that body, and therein Rhode Island first proclaimed the principle that afterward became the war-cry of the Revolution: “No Taxation without Representation.” Her people unquestionably committed the first overt acts in connection with the Revolution. The attack upon the *St. John* in 1764, followed soon after by the burning of the *Maidstone’s* boat on

the common at Newport, in 1765, and the capture and destruction in Newport Harbor in 1769 of the King's armed sloop *Liberty*, indicated the feeling of the people concerning the oppressive measures of Great Britain. The State was fortunate in her leaders. Governor Ward, years before the question of independence was generally discussed, had foreseen the probabilities, and as early as 1766, in writing to his son, said: "These colonies are destined to an early independence, and you will live to see my words verified."

In the troubled times of the Stamp Act, Bancroft states: "The Rhode Island Governor stood alone among the governors in his refusal to take the oath to support the Stamp Act."

Governor Ward had unusual influence with the people of the State, and his personal views undoubtedly contributed to Rhode Island's prominent position in colonial affairs. His rival in the politics of the State, Governor Stephen Hopkins, was equally clear in his anticipations of coming events. Without hesitation his opinions were freely expressed.

In October, 1774, Colonel Paul Revere was in Philadelphia. During his visit he chanced to be in conversation with several of the congressional delegates at a time when Hopkins was present. The probability of England's repealing the obnoxious acts was the subject of discussion. Suddenly turning and facing the company, he said:

"Gentlemen, those of you who indulge this opinion, I think, deceive yourselves. Powder and ball will decide this question. The gun and bayonet alone will finish the contest in which we are engaged, and any of you who can not bring your mind to this mode of adjusting the question had better retire in time, as it will not, perhaps, be in your power after the first blood shall have been shed."

The Rhode Island Assembly met May 1st, 1776, at the State house on Benefit street, in Providence. On May fourth the act separating the colony from Great Britain was passed unanimously

in the upper house, and with sixty members of the lower house present all but six voted in favor of the bill and it became a law.

## RHODE ISLAND ACTS AND RESOLVES.

May Session, 1776, Page 22.

AN ACT REPEALING AN ACT, INTITLED, "AN ACT FOR THE MORE EFFECTUALLY SECURING TO HIS MAJESTY THE ALLEGIANCE OF HIS SUBJECTS, IN THIS HIS COLONY AND DOMINION OF RHODE-ISLAND, AND PROVIDENCE PLANTATIONS;" AND ALTERING THE FORMS OF COMMISSIONS, OF ALL WRITS AND PROCESSES IN THE COURTS, AND OF THE OATHS PRESCRIBED BY LAW.

WHEREAS in all States, existing by Compact, Protection and Allegiance are reciprocal, the latter being only due in Consequence of the former; and whereas GEORGE the Third, King of Great-Britain, forgetting His Dignity, regardless of the Compact most solemnly entered into, ratified and confirmed, to the Inhabitants of this Colony, by his illustrious Ancestors, and till of late fully recognized by Him—and entirely departing from the Duties and Character of a good King, instead of protecting, is endeavoring to destroy the good People of this Colony, and of all the United Colonies, by sending Fleets and Armies to America, to confiscate our Property, and spread Fire, Sword and Defolation, throughout our Country, in order to compel us to submit to the most debasing and detestable Tyranny; whereby we are obliged by Necessity, and it becomes our highest Duty, to use every Means, with which God and Nature have furnished us, in Support of our invaluable Rights and Privileges; to oppose that Power which is exerted only for our Destruction.

BE it therefore Enacted by this General Assembly, and by the Authority thereof it is Enacted, That an Act intituled, "An Act for the more effectual securing to his Majesty the Allegiance of his

Subjects in this his Colony and Dominion of Rhode-Island and Providence Plantations," be, and the same is hereby, repealed.

AND be it further Enacted by this General Assembly and by the Authority thereof it is Enacted, That in all Commissions for Offices, civil and military, and in all Writs and Processes in Law, whether original, judicial or executory, civil or criminal, wherever the Name and Authority of the said King is made Use of, the same shall be omitted, and in the Room thereof the Name and Authority of the Governor and Company of this Colony shall be Substituted, in the following Words, to wit: "The Governor and Company of the English Colony of Rhode-Island and Providence Plantations:" That all such Commissions, Writs and Processes, shall be otherwise of the same Form and Tenure as they heretofore were: That the Courts of Law be no longer entitled nor considered as the King's Courts: And that no Instrument in Writing, of any Nature or Kind, whether public or private, shall in the Date thereof mention the Year of the said King's Reign: Provided nevertheless That nothing in this Act contained shall render void or vitiate any Commission, Writ, Process or Instrument, heretofore made or executed, on Account of the Name and Authority of the said King being therein inserted.

AND be it further Enacted by the Authority aforesaid, That the Oaths or Engagements to be administered to the Officers appointed in this Colony shall be as follows, to wit: (Omitted for want of space).

The preamble states in concise and pertinent language the cause of the colony against the king. Its first clause:

"Whereas, in all states, existing by compact, protection and allegiance are reciprocal, the latter being due only in consequence of the former,"

testifies to the world a fundamental principle of allegiance and government. The remainder of the preamble charges George III

with a total failure to protect, and with such positive acts of oppression that no other course is open to the colony except self-protection by force.

The first enactment logically follows and repeals allegiance in the colony and dominion of Rhode Island to the Kingdom of Great Britain.

The second enactment follows with equal propriety. All legal forms heretofore in use, by which the people of the State indicated their dependence upon the sovereign of Great Britain, were forever swept away. The name of the king upon all public papers was abolished, and there was substituted, "The Governor and Company of the English Colony of Rhode Island and Providence Plantations."

From that time Rhode Island became a free and independent State.

Immediately upon the passage of the act it was printed on a suitable broadside, duly signed by the authority of the colony, and distributed. It was at once noticed in the local papers. The next morning the Providence Gazette forever removed from the head of its columns the arms of Great Britain and substituted therefor the arms of Rhode Island. The proclamation was forwarded to the assemblies of other colonies and was prominently noticed in newspapers of the day.

The Boston Gazette of May 20, 1776, mentioned the act by title as having been passed.

The Continental Journal of May 30, 1776, prints the Rhode Island act of May 4th in full.

The New England Chronicle of May 23, 1776, prints the Rhode Island act of May 4th in full, giving it the important place of nearly all the first column of the first page.

The Remembrancer for 1776, a magazine published in London and entitled an Impartial Repository of Public Events, prints the Rhode Island act of May 4, 1776, almost entire.

The Rhode Island declaration was published in prominent English papers. The London Chronicle for August 3, 1776, printed the whole of the Rhode Island act, giving it nearly a column. It is indexed in the newspaper: "Rhode Island, all Allegiance to the Crown of Britain Renounced by the General Assembly."

The national Declaration of Independence of July 4, 1776, was printed in the London Chronicle of August 17th, of the same year.

The Rhode Island act was also printed in the following London papers:

The Morning Chronicle and London Advertiser, No. 2249, August 5th, 1776.

The Daily Advertiser, August 5th, 1776.

The Gazetteer and New Daily Advertiser, August 5th, 1776.

The Morning Post and Daily Advertiser, August 6th, 1776.

No mention was found in any of these papers of the Massachusetts act of May first, 1776.

Governor Cooke wrote to General Washington, on May 6, 1776, as follows: "I also enclose a copy of an Act discharging the inhabitants of this Colony from allegiance to the King of Great Britain, which was carried in the House of Deputies, after a debate, with but six dissentient voices; there being upwards of sixty members present."

Not only in the daily publications, but in many histories recognized as authorities upon American affairs, the Rhode Island act is prominently noticed.

E. Benjamin Andrews, in his History of the United States, says: " May 4 (1776), Rhode Island formally declared her independence of Great Britain, by a solemn act, abjuring her allegiance to the British Crown. . . .

It constitutes Rhode Island as the oldest independent state in America."



Bancroft, in his History of the United States, says: "The despondency and hesitation of the assembly of Pennsylvania was in marked contrast with the fortitude of Rhode Island, whose general assembly, on the fourth day of May (1776), passed an act, discharging the inhabitants of that colony from allegiance to the king of Great Britain. . . . The overturn was complete; the act was at once a declaration of independence, and an organization of a self-constituted republic."

Bryant and Gay, History of the United States, after referring to the act of May fourth, 1776, and quoting largely from it, then states: "Thus the first colony to declare her absolute independence of the crown, was Rhode Island."

Chief Justice Job Durfee states: "She was the first to enact and declare independence. In May, preceding the declaration of the fourth of July by the Continental Congress, the general assembly of this state repealed the act more effectually to secure allegiance to the king, and enacted an oath of allegiance to the state, and required that all judicial processes should be in the name of the state, and no longer in His Majesty's name; whereby, Rhode Island, from that moment, became, and is at this day, the oldest sovereign and independent state in the western world."

Green, History of Rhode Island: "The last colonial assembly of Rhode Island met on the first day of May (1776). On the fourth, two months before the Congressional declaration of independence, it solemnly renounced its allegiance to the British crown, no longer closing its session with 'God Save the King!' but taking in its stead, as expressive of their new relation, 'God Save the United Colonies!'"

Mowry, History of the United States: "The first state actually to declare herself independent of Great Britain was Rhode Island. This act was passed May 4, 1776."



Smith, *The Thirteen Colonies*: "In this wise, in May, 1776, the Rhode Island and Providence Plantations, before any other colony declared their absolute independence of the British crown."

Judge Staples, in *Rhode Island in the Continental Congress*, referring to the act of May 4, 1776, states: "It is believed to be the earliest vote of the kind passed by any of the colonies. It severed the connection between Rhode Island and the British crown, and the English colony of Rhode Island became henceforth a sovereign state."

These authorities unquestionably confer on Rhode Island priority in declaring independence.

The Connecticut Assembly convened May 9, 1776, and during the session passed an act repealing an act of this colony, entitled, "An Act Against High Treason." It was also enacted that all writs and processes in "law or equity shall issue in the name of the Governor and Company of the Colony of Connecticut, instead of his Majesty's name." . . . and "that no writ or process shall have or bear any date save the year of our Lord Christ only." The oaths of allegiance and supremacy were repealed and new forms of oaths in harmony with the above acts were prescribed.

At a convention of the colony of Virginia on Wednesday, May 15, 1776, a preamble and two resolutions were unanimously passed. The principal resolution is as follows:

*"Resolved* unanimously, that the delegates appointed to represent this colony in General Congress, be instructed to propose to that respectable body to declare the United Colonies free and independent states, absolved from all allegiance to, or dependence upon, the crown or parliament of Great Britain; and that they give the assent of this colony to such declaration, and to whatever measures may be thought proper and necessary by the Congress for forming foreign alliances, and a confederation of the colonies at such time and in the manner as to them shall seem best: Provided, that the

power of forming government for, and the regulations of the internal concerns of each colony, be left to the respective colonial legislatures."

In response to the advice of the Continental Congress, the colony of New Jersey on July 2, 1776, agreed upon a set of charter rights and the form of the constitution, which contained this clause:

"Provided always, and it is the true Intent and Meaning of this Congress, That if a Reconciliation between Great Britain and these Colonies should take Place, and the latter be again taken under the Protection and Government of the Crown of Great Britain, this Charter shall be null and void, otherwise to remain firm and inviolable."

After a diligent search in the published acts of the colonies of New York, Pennsylvania, Delaware, Maryland, South Carolina, and Georgia, no act in any way separating these colonies from Great Britain has been discovered.

South Carolina, Feb. 13, 1777, established an oath of abjuration and allegiance to the state.

The legislative body that enacted the Rhode Island Declaration of Independence was established by the charter of the colony granted in 1663 by King Charles the Second. It had been since then the duly recognized government of Rhode Island. It was not elected for a special purpose, but for the general government of the colony. It was not a provincial assemblage, created in the emergency caused by the failure of Great Britain's authorities to maintain order and before the formation of another staple government. It did not vehemently protest that it had no thought of independence and legislated only to cover the interval until the authority of Great Britain should be restored. It did not disavow nor seek to explain its own acts tending toward independence. Rhode Island understood and appreciated her rights. She made no apologies. The period of dignified petition for the recognition of her liberties had passed.

Without hesitation or undue debate, with the courage of conviction and the determination to be free, the authority that had governed the colony for nearly one hundred and thirteen years forever terminated its allegiance to Great Britain.

The act was in entire harmony with the past history of the colony. Its repeated overt acts against the authority of England, extending from 1764 to 1772, had placed it far in advance of the other colonies in the entirely unofficial popular uprisings against Great Britain. They were followed as a legitimate consequence by the first unofficial suggestion for a permanent Congress of the American colonies, published in the "Providence Gazette" for May 14, 1774:

"It seems to be the universal opinion in America, that the Union of the Colonies is of the greatest Importance to their Security, and therefore ought to be pursued by every good Man in this Country. It is hoped that the Wisdom of this great People will ever be exerted to make the Union perpetual; and for this Purpose it is proposed that there be an Assembly of the AMERICAN STATES, consisting of Deputies from the Representative Body in each Colony, to form a League and COVENANT for the Colonies to enter into, and fix the UNION upon a basis which may, by the Blessing of Heaven, be durable as the World, and lay a foundation for Freedom and Happiness in America to all future Ages." (Exhibit K.)

The official act of Rhode Island in some respects ante-dated the irrepressible popular efforts of her people in behalf of liberty. As early as 1732-33 the colony, through its agent in London, officially petitioned and protested against the passage of the Sugar Act by the English House of Commons. It proclaimed the then novel principle that the people of Rhode Island could not rightfully be taxed by the House of Commons, as they were not represented in that body. This official claim of the Revolutionary contention "No Taxation without Representation" was emphatically rejected.

Rhode Island in her Stamp Act Resolutions, Sept. 16, 1765, was the only colony to direct her colonial officers to defy the power of Great Britain and to execute the laws of the colony.

The first official call for the Continental Congress was voted at the Providence town meeting held May 17, 1774.

"That the deputies of this town be requested to use their influence at the approaching session of the General Assembly of this colony, for permitting a congress, as soon as may be, of the representatives of the General Assemblies of the several colonies and provinces of North America, for establishing the firmest union; and adopting such measures as to them shall appear the most effectual to answer that important purpose; and to agree upon proper methods for executing the same."

Rhode Island was the first to elect congressional delegates. On June 15, 1774, less than a month after the passage of the Providence resolutions, her General Assembly elected Stephen Hopkins and Samuel Ward to represent the colony in the Continental Congress.

April 25, 1775, the Rhode Island Assembly authorized an army of observation of fifteen hundred men.

June 15th, 1775, the Rhode Island legislature authorized the first Colonial Navy, and placed it under the command of Commodore Abraham Whipple. The day he received his commission, after a sharp action, he defeated the tender of the *Rose* frigate, drove her upon the Conanicut shore, and captured her stores and outfit. This was the first action between an official vessel, duly commissioned by any of the colonies, and any vessel in the service of the King. To Commodore Whipple, therefore, belongs the honor of firing the first cannon upon the seas in the defense of American liberty against any portion of the King's navy.

Rhode Island's energetic action on the sea in her own behalf was followed, August 26, 1775, by the formal instructions of her General Assembly to the colony's Congressional delegates

"to use their whole influence, at the ensuing Congress, for building at the Continental expense, a fleet of sufficient force, for the protection of these colonies, and for employing them in such manner and places as will most effectually annoy our enemies, and contribute to the common defense of these colonies."

Bancroft states, after citing these circumstances, "This was the origin of our navy."

In May, 1775, it became evident that Governor Wanton was not in harmony with the people of the colony. He had just been elected for the seventh time. In various ways he had exhibited decided opposition to the cause of colonial defense, and had even refused to sign the commission for the officers of the new army.

"By all which he hath manifested his intentions to defeat the good people of these colonies in their present glorious struggle to transmit inviolate to posterity, those sacred rights they have received from their ancestors."

With the decision and courage that usually marked the action of the colony he was disqualified by the Assembly. Nov. 7, 1775, Governor Wanton, having continued his opposition to the cause of liberty, was formerly deposed, the office of Governor declared vacant, and the Deputy-Governor, Nicholas Cooke, elected to fill the vacancy.

By such successive steps Rhode Island approached independence, and the colony became, by enactment, May 4th, 1776, a free and independent republic. Her people, inspired with ardent patriotism, hesitated at no sacrifice to maintain their position.

On sea as on land, the armed forces of the colony strove valorously for the colonial cause. In privateering, the State was particularly successful, and secured large profits from these enterprises. The activity and success of the State's private armed vessels gained wide reputation, and caused Providence to be known as the "Hornet's Nest."



At Trenton, in 1777, a considerable portion of Washington's army consisted of Col. Hitchcock's brigade, formed in greater part of three Rhode Island regiments, Hitchcock's, Varnum's, and Lippitt's. These men participated in the action at Assunpink Creek, joined in the fateful march the following night, and fought at Princeton in the morning. After the contest, and on the field of battle, Gen. Washington, taking Col. Hitchcock by the hand, expressed high admiration of his conduct and that of his troops and desired him to convey his thanks to the brigade.

At Springfield, in 1780, a portion of Col. Angell's regiment, consisting of 170 men, in checking for forty minutes the advance of 1,500 of the enemy, rendered signal service to the Continental cause. Washington highly complimented this regiment in general orders, and wrote to Gov. Greene, as follows:—

"The gallant behavior of Col. Angell's, on the 23d instant at Springfield, reflects the highest honor upon the officers and men. They disputed an important pass with so obstinate a bravery that they lost upwards of forty in killed, wounded, and missing, before they gave up their ground to a vast superiority of force." . . . He adds, in conclusion: "The ready and ample manner in which your State has complied with the requisitions of the Committee of co-operation, both as to men and supplies, entitle her to the thanks of the public, and affords the highest satisfaction to your Excellency's most obedient servant George Washington."

Rhode Island was equally marked for her financial support of the patriot cause, as stated by the late Judge Horatio Rogers.

"In 1783, the Continental Loan Office accounts show that only four states had contributed more to the public treasury than Rhode Island, diminutive as she was, and in proportion to population none could compare with her. With less than a quarter of the inhabitants of Maryland she held half again as much of the public debt. Though only one-eighth as populous as Virginia, she was a public

creditor in more than double the amount of that great state; and while North Carolina and South Carolina each possessed more than three times the number of inhabitants of Rhode Island, yet this state held upwards of six times more of the public debt than the former, and upwards of seven times more than the latter."

In proclaiming the action of Rhode Island and her people in the conflict for American liberty, and in submitting evidence of their services in the Continental cause, it is never to be forgotten that each of the thirteen colonies was finally inspired with similar patriotism and an equal determination to achieve Independence. Each furnished its quota of ennobling sacrifices and heroic deeds. In grateful recognition of the patriotic services of our ancestors we confidently maintain the claims of Rhode Island.

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*The Bibliography, the Index and the various Exhibits contained in the first edition of this address and referred to in the text, were omitted for want of space.*







*Mr. L. L. L.*













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